

**SENATE JOURNAL**  
**SIXTY-SIXTH LEGISLATURE**  
**STATE OF WASHINGTON**

**AT**  
**OLYMPIA, THE STATE CAPITOL**

2022 Regular Session  
*Convened January 10, 2022*  
*Adjourned Sine Die March 10, 2022*



Official Record of All Senate Actions Compiled, Edited and Indexed Pursuant  
to Article II, Section 11 of the Constitution of the State of Washington

**Volume 1**

Sean T. Kochaniewicz,  
Journal Clerk

Brittany Yunker Carlson,  
Minute and Status Clerk

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Lieutenant Governor Denny Heck, *President of the Senate*  
Senator Karen Keiser, *President Pro Tempore*  
Senator Steve Conway, *Vice President Pro Tempore*  
Senator John Lovick, *Vice President Pro Tempore*  
Sarah Bannister, *Secretary of the Senate*

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**SENATE CAUCUS OFFICERS**

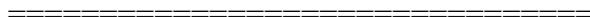
**2022**

**DEMOCRATIC CAUCUS**

*Majority Leader* ..... Andy Billig  
*Majority Caucus Chair* ..... Bob Hasegawa  
*Majority Floor Leader* ..... Jamie Pedersen  
*Majority Whip* ..... Emily Randall  
*Majority Deputy Leader* ..... Manka Dhingra  
*Majority Deputy Leader* ..... Rebecca Saldaña  
*Majority Caucus Vice Chair* ..... Mona Das  
*Majority Assistant Floor Leader* ..... Joe Nguyen  
*Majority Assistant Whip* ..... Claire Wilson

**REPUBLICAN CAUCUS**

*Republican Leader* ..... John Braun  
*Republican Caucus Chair* ..... Judy Warnick  
*Republican Floor Leader* ..... Shelly Short  
*Republican Whip* ..... Keith Wagoner  
*Republican Caucus Deputy Leader* ..... Sharon Brown  
*Republican Caucus Vice Chair* ..... Ron Muzzall  
*Republican Assistant Floor Leader* ..... Chris Gildon  
*Republican Assistant Whip* ..... Perry Dozier



*Secretary of the Senate* ..... Sarah Bannister  
*Deputy Secretary* ..... Colleen Rust

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# TABLE OF CONTENTS

## VOLUME 1

Regular Session, First Day, January 10, 2022 through, Fifty-Seventh Day, March 7, 2022.....	1-1208
--	--------

## VOLUME 2

Regular Session, (continued) Fifty-Eighth Day, March 8, 2022 through Sixtieth Day, March 10, 2022.....	1209-2042
Roster of Members and Committee Assignments .....	2043-2052
Roster of Staff and Other Employees .....	2053-2059
Governor's Messages	
Senate Bills Signed After Adjournment .....	2060-2068
Vetoed and Partial Vetoes on Senate Bills.....	2069-2074
Gubernatorial Appointments.....	2075-2079
Proclamations by the Governor in response to the COVID-19 pandemic (November 1, 2021 through October 31, 2022).....	2080-2153
Bills, Memorials and Resolutions	
Passed by Both Houses .....	2154-2159
History of Bills and Other Measures .....	2159-2181
Other Senate Actions .....	2182-2186
Reports to the Legislature .....	2187-2201
General Index.....	2202-2353

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FIRST DAY

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NOON SESSION

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Senate Chamber, Olympia  
Monday, January 10, 2022

Pursuant to state law, the Senate of the 2022 Regular Session of the Sixty-Seventh Legislature of the State of Washington assembled, actually and virtually, in the Senate Chamber of the State Capital. At 12:00 o'clock noon, the Senate was called to order by the President of the Senate, Lieutenant Governor Denny Heck presiding.

The acting Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Fortunato and McCune.

The Washington State Patrol Honor Guard, composed of Lieutenant Matt Fehler, Sergeant Kelli Howes, Sergeant Michael McGee, Trooper Dean Gallanger and Trooper Brandon Tobol presented the Colors.

Miss Camille Bannister led the Senate in the Pledge of Allegiance. Miss Bannister is the granddaughter of Secretary of the Senate-elect, Mrs. Sarah Bannister.

The National Anthem was performed in both song and interpreted into American Sign Language (ASL) by the American Sign Language Program class at River Ridge High School, Lacey. They were led by their teacher, Ms. Cathy Boos.

The prayer was offered by Pastor Bob Luhn, Pastor Emeritus at Othello Church of the Nazarene.

REMARKS BY THE PRESIDENT

President Heck: "The President would like to extend a welcome back to all of you whether you are participating remotely or not.

It has been about nine months since we adjourned sine die. In the ensuing time, much has changed and much has remained the same.

COVID continues to be the dominant feature of much of American life. Sadly, the death toll continues to mount. More than 200,000 Americans have lost their lives to COVID since last April. Even today, at least three of our members have announced their diagnosis with COVID. And the lives of health care workers in particular but also first responders and teachers and students and parents with limited childcare options, are incredibly stressed.

Yet, some things have changed.

Omicron, the new variant of COVID, is virulently transmissible but also appears to be, overall, less dangerous especially to those who have been vaccinated and especially to those who have been boosted. Fewer hospitalizations. Fewer deaths.

Last session, thanks largely to the excellent work of staff and the observance of protocols by all involved, the Senate did not have a single reported case of COVID. Here's hoping for a repeat of that even with omicron.

There are other changes this year. Thus far, we have two new members, Senators Lovick and Trudeau. Congratulations to you both. Neither is a stranger to this process, and both are excellent additions. Their districts win and the state wins with their presence.

We respectfully request your forbearance on other changes. We have new people in several key slots. Let's face it: the president is still a rookie up here. Please be patient. But we also have a new Majority Floor Leader in Senator Pedersen. Congratulations, sir. It is impossible to imagine anyone better prepared or qualified.

The president also extends his appreciation to the highly competent and professional manner in which Senator Liias undertook his responsibilities in that role and wishes him the best in his important new role.

Although no stranger to this rostrum, we have a new Secretary of the Senate, Sarah Bannister. Congratulations. We have all the confidence in you, and it is fun to be a part of making history here!

We will acknowledge outgoing Secretary Hendrickson's considerable contributions later but for today, thanks for a job very well done and congratulations on a lifetime of excellent service and a well-deserved retirement.

As a result, we have a new Deputy Secretary, Collen Rust. Congratulations. You will do great!

Soon, we will have a new Democratic Counsel up here as Victoria Cantore transitions to her exciting new role for the U.S. Attorney's Office. You've been nothing short of spectacular. The President extends his heartfelt personal gratitude.

And of course, congratulations to the incoming Counsel, Suchi Sharma. What a splendid choice. We look forward to working with you as well.

All of this to say, please be patient as we seek to serve you and this institution.

Finally, there is something else different this year and that is the absence of Senator Ericksen of the Forty-second Legislative District. Our hearts are heavy with sadness at his passing. There will be a more formal recognition of the Senator later but for now we extend our deepest condolences to the Senator's widow, Tasha, and his two daughters, Elsa and Addi. May God touch you with His healing hands. And so, with your permission, I am going to ask those present to please stand in a moment of silence in memory of Senator Doug Ericksen."

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in the memory of Senator Doug Ericksen, who passed away December 17, 2021.

President Heck: "And now, as Fareed Zakaria often says on Sunday morning, 'Let's get started.'"

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

December 1, 2021

The Honorable Denny Heck  
President of the Senate  
P.O. Box 40482  
Olympia, WA 98504-0482

Dear President Heck:

The returns of the November 2, 2021 General Election have been certified. My office certifies the results for statewide measures, federal offices, statewide offices and any legislative or judicial office that crosses county lines. Judicial offices located entirely within one county were certified by the county canvassing board of that county on November 23, 2021.

Enclosed, please find copies of the measures and races certified by my office. There were no new senators elected.

Please feel free to contact my office if you have any questions.

Sincerely,

/s/

Steve R. Hobbs  
Secretary of State

Canvass of the Returns of the General Election  
Held on November 2, 2021

I, Steve R. Hobbs, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 1,896,481 votes cast in the November 2, 2021, General Election by the registered voters of the state for all statewide measures and those judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

**Advisory Vote No. 36**

**Engrossed Second Substitute House Bill 1477**

The legislature imposed, without a vote of the people, a 988 behavioral health crisis response and suicide prevention tax on telephone lines, costing \$432,000,000 in its first ten years, for government spending.

Repealed	978,189
Maintained	836,414

**Advisory Vote No. 37**

**Engrossed Substitute Senate Bill 5096**

The legislature imposed, without a vote of the people, a 7% tax on capital gains in excess of \$250,000, with exceptions, costing \$5,736,000,000 in its first ten years, for government spending.

Repealed	1,111,402
Maintained	708,652

**Advisory Vote No. 38**

**Second Substitute Senate Bill 5315**

The legislature imposed, without a vote of the people, a tax on captive insurers in the amount of 2% of premiums from owners/affiliates, costing \$53,000,000 in its first ten years, for government spending.

Repealed	1,017,969
Maintained	762,429

**Court of Appeals, Division 2, District 3 - Judge Position 1**

Ballot Name	Votes
Bernard F. Veljacic	98,351

**Ferry, Pend Oreille, Stevens Superior Court-Judge Position 3**

Ballot Name	Votes
Lech J. Radzimski	14,413

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington this 1<sup>st</sup> day of December 2021, at Olympia, the State Capital.

/s/

Steve R. Hobbs  
Secretary of State

RESIGNATION OF SENATOR DARNEILLE

September 21, 2021

Dear Governor Inslee,

It is with a mixture of heartache and anticipation that I write today to formally announce my resignation from the Washington State Senate. I have had the great pleasure and honor of representing the 27<sup>th</sup> Legislative District in the Legislature since 2001, through 12 sessions in the House and now 8 sessions in the Senate. Through that time, I have worked with three Governors, and have particularly enjoyed our rapport and mutual professional regard.

I have accepted a new position in the Department of Corrections working with Secretary Strange to oversee the development of a new Women's Prison Division as an Assistant Secretary. This decision was only made after the recognition that it represents a unique opportunity to build upon years of learning about and working on juvenile and adult corrections reform gained in the Legislature. Policy development is based on research, science, and logic; it recognizes problems and promotes solutions to those problems. I recognize that this rare career pivot is fueled by a desire to make best practices work in the field with professionals dedicated to public service and the persons we serve.

I am still very sad, however, to leave the Legislature and my colleagues here, but very confident that a new appointee from the 27<sup>th</sup> District will bring new skills to the tasks ahead. I am sure this new Senator will continue to advocate for our constituents and for those whose voices often go unheard.

The appointment process will start today with notification to my colleagues in the Senate, Pierce County Democratic Party leadership, Precinct Committee Officers in the 27<sup>th</sup> District, constituents, and advocates. This resignation will take effect sometime in early November as the recommendations are received by the Pierce County Council for their action. I will inform you of the specific date as this process unfolds.

Thank you for every measure of support you have shown to me in the Legislature. Take care.

Sincerely,

/s/

Jeannie Darneille  
State Senator  
27<sup>th</sup> Legislative District

MESSAGE FROM THE SECRETARY OF STATE

November 16, 2021

To the Honorable Denny Heck  
President of the Senate  
Legislative Building  
Olympia, WA 98501

I, Kim Wyman, Secretary of the State of Washington and custodian of the State Seal, do hereby certify that the attached is a true and correct copy of the County Resolution now on file with the Secretary of State relating to the resignation of Jeannie Darneille from the office of State Senator for the 27<sup>th</sup> Legislative District of the State of Washington, and the appointment of Yasmin Trudeau to fill the vacancy created thereby.

I further certify that Yasmin Trudeau has been duly appointed by a motion of the Pierce County Council making an appointment to fill the vacancy in the position of State Senator for the 27<sup>th</sup> Legislative District.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 16<sup>th</sup> Day of November 2021, at Olympia, the State Capital.  
 (seal)  
 /s/  
 Kim Wyman  
 Secretary of State

and be sworn into office on Monday. My resignation from the Washington State Senate will be effective at 10:00 o'clock a.m. that day, November 22<sup>nd</sup>, 2021.

Serving in the Washington State Senate has been my honor. I was first elected in 2006. Since then, the legislature has answered important policy questions, engaged in meaningful debate and done tremendous work on behalf of our constituents. I thank the voters for their support in multiple reelection campaigns, so that I might serve them for these last 15 years.

I wish to express gratitude to my colleagues in the Senate, both elected members and hired staff alike, for the teamwork, partnership, and for all their efforts that contributed to the good work we've done over so many years together.

As Washington's next Secretary of State, I look forward to continuing my public service in this new role in a way that inspires their confidence in their government.

MESSAGE FROM OTHER STATE OFFICERS

RESOLUTION NO. R2021-184

A Resolution of the Pierce County Council Appointing Yasmin Trudeau to Represent Legislative District No. 27 in the Washington State Senate, Filling a Vacancy left by the Resignation of Jeannie Darneille.

Whereas, a vacancy has been created in the 27th Legislative District, Washington State Senate, as a result of the resignation of Jeannie Darneille; and

Whereas, the Washington State Constitution, Article II, Section 15, provides that vacancies in either house of the legislature shall be filled by appointment by the county legislative authority of the county in which the vacancy occurs; and

Whereas, Article 11, Section 15 of the Constitution further provides that the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party; and

Whereas, the Pierce County Democratic Central Committee has submitted the names of three nominees for the vacancy in the Washington State Senate for consideration by the Pierce County Council; and

Whereas, the County Council has met in a meeting open to the public and has interviewed the three nominees; Now Therefore,

BE IT RESOLVED by the Council of Pierce County:

Section 1. Yasmin Trudeau is one of three nominees recommended by the Pierce County Democratic Central Committee, and is qualified to fill the vacancy in the Washington State Senate, Legislative District No. 27.

Section 2. Yasmin Trudeau is hereby appointed to the Washington State Senate, Legislative District No. 27, to fill the vacancy created by the resignation of Senator Jeannie Darneille.

Section 3. The Clerk to the Council is hereby directed to provide a copy of this Resolution to the individual appointed, the Governor of the State of Washington, the Secretary of the Senate, and the Chair of the Pierce County Democratic Central Committee.

ADOPTED this 2<sup>nd</sup> day of November, 2021.

ATTEST: PIERCE COUNTY COUNCIL  
 Pierce County, Washington

/s/	/s/
Denise D. Johnson	Derek Young
Clerk to the Council	Council Chair

RESIGNATION OF SENATOR HOBBS

November 20, 2021

Dear Governor Inslee,

On November 10 you selected me as Washington's 16<sup>th</sup> Secretary of State. It will be my honor to accept your appointment

Sincerely,  
 /s/  
 Steve Hobbs  
 Washington State Senator  
 44<sup>th</sup> Legislative District

MESSAGE FROM OTHER STATE OFFICERS

SNOHOMISH COUNTY COUNCIL  
 Snohomish County, Washington

AMENDED MOTION NO. 21-460

MAKING AN APPOINTMENT TO A VACANCY FOR STATE SENATOR IN WASHINGTON'S 44TH STATE LEGISLATIVE DISTRICT

WHEREAS, on November 10, 2021, state senator Steve Hobbs resigned his position as senator and accepted his appointment by Governor Jay Inslee as Washington Secretary of State causing a vacancy for that office for a term expiring on January 6, 2023; and

WHEREAS, the position of state senator is a partisan office and Steven Hobbs affiliated with the Democrats Party; and

WHEREAS, on December 7, 2021, the Democrats Party submitted a list of nominees from which the County Council shall appoint one person to fill the vacancy and the names submitted were: John Lovick, Laura Hathaway and Greg Pratt; and

WHEREAS, Council sent questions to and a request for a one page resume from the nominees on December 8, 2021, received written responses and resumes on December 13, 2021, and interviewed the nominees on December 15, 2021; and

WHEREAS, an appointment by the County Council is required within 60 days (by January 9, 2022) of the effective date of resignation, else the Governor will appoint a nominee within 30 days of that date; and

WHEREAS, to be qualified, each of the nominees shall meet the requirements of Article 11, Section 15 Washington's State Constitution and Section 4.80 of the County Charter; and

WHEREAS, the person appointed to fill this position will serve in this position until the certification of the results of the November 2022 general election, at which point the person elected shall serve the remaining portion of the unexpired term and continue to serve in the term commencing January 1, 2023.

NOW, THEREFORE, ON MOTION, pursuant to Article II, Section 15 of the State of Washington's Constitution and Section 4.80 of the Snohomish County Charter, the Snohomish County Council does hereby appoint John Lovick to the office of State

Senator to represent the 44th State Legislative District serve until the certification of the results of the November 8, 2022 general election.

PASSED this 15th day of December, 2021.

#### SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington  
/s/  
Council Vice-Chair

ATTEST:

/s/  
Asst. Clerk of the Council

The secretary called the roll of the two newly appointed senators: Senator John Lovick, 44<sup>th</sup> Legislative District; Senator Yasmin Trudeau, 27<sup>th</sup> Legislative District

The President welcomed the new senators, who had taken oaths of office earlier.

#### ELECTION OF VICE PRESIDENT PRO TEMPORE

Without objection, the President declared the office of Vice President Pro Tempore of the Senate vacant.

The President called for nominations to the office of Vice President Pro Tempore.

#### REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Mr. President. I highly recommend your support for this nomination of Senator John Lovick. Many of us have known the Senator Lovick, new to the Senate, but we've known him since he's been in the House, back in 1998 when he started in the House, and he served there for 9 years, and then he went off and became a Snohomish County Executive, Snohomish County Sheriff, he worked for the Washington State Patrol, and he's had quite a storied career. And then, of all things, he returns to the House in 2016 and he has been serving as Speaker Pro Tempore in the House for several years now. So, he may be new to the Senate, but he is not new to procedural and parliamentary rules. And will, I believe, be a worthy addition to our incredible team here in the Washington State Senate. Maybe the most important thing is, I think, John really understands the need for institutional integrity. And will abide by the norms, traditions, the standards, and the rules of our institution, and we'll all be better for it. I hope you'll support this nomination for John Lovick, for Vice President of the Senate President Pro Tempore."

#### REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you Mr. President. I also rise to encourage you to vote for the nomination of Senator John Lovick. As Senator Keiser noted, he's had a storied career. Starting with the city of Mill Creek as a council person, Snohomish County Sheriff, State Representative, Snohomish County Executive, and now State Senator. And while it would appear that Senator Lovick could not keep a job very long, I would say that he's an outstanding gentleman, and just one of the classiest people we've had in a long time over the many years that he has served. So, I certainly encourage you to vote. If you have the time, check YouTube, there is a little piece that the Senator, when he was a Representative did. It's gonna have to be brought up a little bit because he starts out by showing the school children and the House members "this is a gavel" so he's moving up fast."

#### MOTION

On motion of Senator Pedersen, the nominations for the office of Vice President Pro Tempore of the Senate were closed.

#### MOTION

On motion of Senator Wagoner, Senators Fortunato and McCune were excused.

The President declared the question before the Senate to be the election of Senator John Lovick to the office of Vice President Pro Tempore.

#### ROLL CALL

The Secretary called the roll for the office of Vice President Pro Tempore and Senator John Lovick was elected by the following vote: Lovick, 44; Others, 0; Absent, 2; Excused, 2.

Voting Lovick: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Honeyford and Schoesler  
Excused: Senators Fortunato and McCune

Senator John Lovick, 44<sup>th</sup> Legislative District, Snohomish County, having received the required majority, was declared Vice President Pro Tempore of the Washington State Senate.

The President introduced and welcomed to the rostrum Chief Justice Steven Gonzalez who was present to administer the oath of office.

Chief Justice Steven Gonzalez thereupon administered the oath of office to the Senator.

#### ELECTION OF SECRETARY OF THE SENATE

Without objection, the President declared the office of Secretary of the Senate to be vacant.

The President called for nominations to the office of Secretary of the Senate.

#### REMARKS BY SENATOR BILLIG

Senator Billig: "Thank you Mr. President. Well, it gives me great pleasure to speak in strong support of Sarah Bannister's historic nomination as Secretary of the Senate. You know, in many ways Sarah has been preparing her whole life for this job. She was born and raised in Olympia. She's dedicated most of her life, and her whole adult life to public service, and specifically to the service of the Legislature and the people of Washington state. She began her career in the Legislature over twenty years ago, starting as a Legislative Assistant, and her roles for the first ten years were in service to members' offices and to constituents as she was a casework coordinator and a caucus liaison to members' offices. And then in 2017 she became, oh, and then she worked in the Secretary's office and then became the Deputy Secretary of the Senate in 2017. And you know, she brings with her this direct experience of our work and our history in the Senate and in the Legislature that is really gonna serve us all well and serve herself

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

MOTIONS

well as she moves into this new role. She’s really sort of keeper of the institution is one of the things I appreciate her. She just believes in the Senate so much, and it’s exactly what you want from a secretary of the senate. I feel like she is a protector of the institution, but also with eyes open to ways we can change for the better, and that’s also exactly what we want. I’ve personally really enjoyed working with Sarah since I entered the Senate. She’s professional and collaborative. She’s smart. She’s calm even in pressure situations. And those qualities will serve her and us well as Secretary. And Mr. President, Sarah will also be making history today as has been noted. Becoming the first woman to be the Secretary of the Senate in the history of Washington state. I urge your support for Sarah Bannister as Secretary of the Senate. Thank you, Mr. President.”

REMARKS BY SENATOR BRAUN

Senator Braun: “Thank you Mr. President. I too am very pleased to speak in support of Sarah Bannister’s nomination for the Secretary of the Senate. She is exceptionally well qualified for this position. While not quite the amount of time like her predecessor, she has spent a great deal of time, twenty-two years by my understanding, working within the Senate in various capacities, and that has given her time to build not only a deep appreciation for the history and the workings of this Senate, but also to build the relationships both with staff and members that make, that I think will make her a very successful Secretary of the Senate. So, I look forward to working with her, and I strongly encourage everyone to support her nomination as the Secretary of the Senate. Thank you, Mr. President.”

MOTION

On motion of Senator Pedersen, the nominations for the office of Secretary of the Senate were closed.

The President declared the question before the Senate to be the election of Mrs. Sarah Bannister to the office of Secretary of the Senate.

ROLL CALL

The Secretary called the roll for the office of Secretary of the Senate and Mrs. Sarah Bannister was elected by the following vote: Bannister, 46; Others, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fortunato and McCune

Mrs. Sarah Bannister, Olympia, Thurston County, having received the required majority, was declared Secretary of the Washington State Senate.

Chief Justice Steven Gonzalez thereupon administered the oath of office to Mrs. Sarah Bannister, Secretary of the Senate.

The President thanked Chief Justice Gonzalez for his participation in the day’s ceremonies and the Chief Justice was escorted from the Chamber.

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

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION  
8631

By Senator Pedersen

WHEREAS, The Senate adopted permanent rules for the 2021-2023 biennium under Senate Resolution 8600; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Senate Rule 41 is amended as follows:

"**Rule 41.** The president shall appoint all conference, special, joint and standing committees and standing subcommittees on the part of the senate. The appointment of the conference, special, joint and standing committees and standing subcommittees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or standing subcommittee, such committee or standing subcommittee shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

<b>Standing Committee</b>	<b>Total Membership</b>
1. Agriculture, Water, Natural Resources & Park	7
2. Business, Financial Services & Trade	7
3. Early Learning & K-12 Education	9
4. Environment, Energy, & Technology	13
5. Health & Long-Term Care	12
6. Higher Education & Workforce Development	5
7. Housing & Local Government	((9)) <u>11</u>
8. Human Services, Reentry & Rehabilitation	7
9. Labor, Commerce & Tribal Affairs	9
10. Law & Justice	9
11. Rules	16 ( <i>plus the Lieutenant Governor</i> )
12. State Government & Elections	5
13. Transportation	((45)) <u>17</u>
14. Ways & Means	((25)) <u>24</u>

The following constitutes a standing subcommittee of the senate:

1. Behavioral Health Subcommittee to Health & Long-Term Care. 5"

Senator Pedersen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

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

MOTION

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION  
8630

By Senator Pedersen

WHEREAS, The Facilities and Operations Committee has determined that the ongoing pandemic and declared statewide

emergency under RCW 43.06.010 presents a continued risk to the health and safety of members and staff and requires continued operational changes to adhere to public health guidance during the 2022 legislative session; and

WHEREAS, Permanent Senate Rule 70 establishes a process by which the Senate will adopt a resolution establishing the rules and procedures to govern floor and committee action for such a legislative session;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Senate Resolution 8601 be amended as follows and that the following be adopted as the Emergency Parliamentary Rules of the Sixty-Seventh Legislature:

**"EMERGENCY PARLIAMENTARY RULES  
OF THE SENATE  
SIXTY-SEVENTH LEGISLATURE  
(2021) 2022**

**SECTION I: GENERAL**

- Rule A** Public Health Measures.  
**Rule B** Filing of Bills.  
**Rule C** Electronic Signatures.  
**Rule D** Interpretation of Permanent Senate Rules.

**SECTION II: PARLIAMENTARY PROCEDURES**

- ~~(Rule E Physical Distancing Required.  
Rule F Remote Voting.  
Rule G Attendance and Quorum.  
Rule H Floor Motions.  
Rule I Call of the Senate.  
Rule J Referral of Bills to Committee.  
Rule K Consideration of Bills and Amendments.~~

**SECTION III: COMMITTEES**

- ~~Rule L Committee Procedures.~~

**SECTION I  
GENERAL**

**Public Health Measures**

~~A. (1) Senate members and employees must wear a mask in all Senate buildings. This requirement does not apply if the member or employee is in an office or room by themselves. While physically present on the Senate floor, members and employees must wear masks provided by the Senate.~~

~~(2) Members and employees will be provided with a self-screening health tool to assist them in determining whether it is safe for them to be on campus. If a member or employee answers any of the self-screening questions in the affirmative, the member or employee should remain off campus and contact the human resource officer.~~

~~(3) For the duration of the 2021 legislative session, Senate buildings will be open to authorized members and staff only. Members of the capitol press corps will be permitted access to observe floor action with preapproval from the Secretary of the Senate. No member or employee may escort a member of the public into Senate buildings.~~

~~(4) All committee and floor proceedings will be broadcast to the public via streaming or televised platforms to ensure public access. (See Article II, Section 11 of the state Constitution.))~~

- Rule E** Remote Voting.  
**Rule F** Attendance and Quorum.  
**Rule G** Rules of Debate.

**Rule H** Call of the Senate.

**Rule I** Referral of Bills to Committee.

**Rule J** Floor Amendments.

**SECTION III: COMMITTEES**

**Rule K** Committee Procedures.

**SECTION I  
GENERAL**

**Public Health Measures**

A. (1) Senate members and employees must comply with the 2022 Senate Session Guidelines adopted by the Facilities and Operations Committee, including any subsequent amendments and as implemented by Senate Administration. These guidelines govern mask-wearing, social distancing, and COVID-19 quarantine procedures in accordance with the most recent public health guidelines.

(2)(a) Except as provided in (b) of this subsection, regular floor action will occur in a hybrid remote format with only the number of members present as determined by the Facilities and Operations Committee and subject to the 2022 Senate Session Guidelines.

(b) If the Facilities and Operations Committee determines that public health conditions no longer require floor action to be conducted in a hybrid remote format, regular floor action will occur with all members present on the floor, subject to the 2022 Senate Session Guidelines. Only those members who are required to quarantine or isolate by the Senate Human Resource Officer due to COVID-19 exposure or infection will be permitted to vote remotely.

(c) Committee hearings and executive action will be held remotely.

(3) Public access to the Senate galleries during floor action shall be determined by the Facilities and Operations Committee. All committee and floor proceedings will be broadcast to the public via streaming or televised platforms to ensure public access. (See Article II, Section 11 of the state Constitution.)

**Filing of Bills**

**B. (1)** Any member desiring to introduce a bill shall email the bill to the office of the code reviser by noon of the day before the convening of the session at which the bill is to be introduced. Only bills that have been emailed by a member or the member's legislative assistant may be considered for introduction.

(2) Sponsor sheets will be electronically available for introducing the bill. The member emailing the bill and corresponding sponsor sheet shall be considered the sponsor of the bill. The sponsoring member may designate one cosponsor of the bill by providing the cosponsor's name in the email and by including the cosponsor's name in the cc line of the email.

(3) Additional members may add themselves as cosponsors to the bill by emailing the Senate workroom by 5:00 p.m. of the day of its introduction.

(4) Agency and governor request legislation shall follow this process and the sponsoring member or member's legislative assistant must email such legislation to the office of the code reviser.

(5) The introduction of title-only bills is prohibited. For the purposes of this subsection, a title-only bill is a bill containing a title or short summary of the intended subject matter, without laying forth the full changes intended to any act or sections of law.

**Electronic Signatures**

**C.** Electronic or scanned signatures are authorized in place of any physical signatures that are otherwise required in order for a member to conduct legislative business.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

**Interpretation of Permanent Senate Rules**

**D.** To the extent that a matter is not addressed in this Resolution, the Permanent Rules of the Senate adopted January ((11, 2021)) 10, 2022, will govern. The President will interpret all rules and procedures to facilitate legislative business in a fair and efficient manner in light of the ongoing emergency and remote session.

**SECTION II  
PARLIAMENTARY PROCEDURES**

**~~((Physical Distancing Required~~**

~~**E.** Senators voting on the Senate floor must maintain at least six feet of distance from one another.))~~

**Remote Voting**

~~**((F.)) E.** (1) (Unless otherwise designated by the Facilities & Operations Committee, members will be required to vote remotely. Senate administration will make information technology provisions for members who wish to participate in floor action remotely from their offices or another isolated location on campus. Members who wish to vote remotely from their homes will be outfitted with necessary hardware and provided remote information technology support.~~

~~(2) During any roll call vote, members))~~ Members will record their vote using the remote voting system. The clerk will close electronic voting and announce each member's vote individually. The President will call on those members who are present but have not yet voted. The President will then provide members a final opportunity to be recognized and change their votes. The clerk will then announce the vote.

(2) Should the Facilities and Operations Committee determine that public health conditions no longer require floor action to be conducted in a hybrid remote format in accordance with Emergency Rule A, members will vote orally. During any roll call vote where more than five members are participating remotely, members participating remotely will record their vote using the remote voting system. In such cases, the clerk will close electronic voting and announce the vote of remote members individually. The President will call on those members who are present but have not yet voted. The President will then provide members a final opportunity to be recognized and change their votes. The clerk will then announce the vote.

(3) If, during a roll call vote, ((a member's)) the vote of each member participating remotely is unable to be taken, the member will be automatically excused. The member may request in writing that their vote be reflected in the Senate journal, though it will not count towards the final roll call.

(4) In accordance with Senate Rule 22, once begun, a roll call vote will not be interrupted because a member participating remotely has connectivity issues. However, if a majority of members elected is no longer present due to connectivity issues, a majority of those still present may defer consideration of a bill, adjourn, or recess the Senate until a quorum can be reestablished.

**Attendance and Quorum**

~~**((G.)) E.** A member of the Senate voting remotely is considered in attendance within the bar of the Senate if the member is participating in the session through a remote access program established by the Secretary of the Senate as provided in Senate Rule 70.~~

**~~((Floor Motions~~**

~~**H.** Members are permitted to move a bill, resolution, or amendment; rise to a parliamentary inquiry; request a roll call vote; and rise to a point of order. The floor leaders of the majority and minority caucuses will make all other motions. A floor leader may yield to a member for a question of privilege.))~~

**Rules of Debate**

**G.** In accordance with Senate Rule 29, when present on the floor of the Senate, any senator about to speak in debate or submit any matter to the Senate shall rise and respectfully request recognition by the President by both voice and electronic means.

**Call of the Senate**

~~**((H.)) H.** A call of the Senate may be moved by the majority or minority floor leader and sustained by three Senators. If carried by a majority of those present, the Secretary shall call the roll, after which the names of the absentees shall again be called. The business of the Senate will be suspended until the absent senators are considered within the bar of the Senate for such action as the Senate may deem proper. A call of the Senate may not interrupt a roll call vote, and no penalties shall be sustained for members experiencing connectivity issues.~~

**Referral of Bills to Committee**

~~**((J.)) I.** (1) Draft bill referrals will be electronically published by 8:00 p.m. the evening before any session to consider them. All objections or requests for rereferral must be communicated in writing by a member to the majority floor leader by 8:00 a.m. the day of convening.~~

~~(2) The Senate may relieve the Rules Committee of a bill with the consent of a majority of the Senate, provided that two hours' notice has been given to the President and all members of the Senate by the majority leader. The majority leader will consult with the President prior to giving such notice.~~

**~~((Consideration of Bills and Amendments~~**

~~**K.** (1) The majority floor leader will provide draft orders of consideration for the Second Reading Calendar to the minority floor leader by 5:00 p.m. two days before scheduled floor action. Bills may be added to orders of consideration with the consent of the majority and minority floor leaders.~~

~~(2) Once a bill is listed on a draft order of consideration submitted to the minority floor leader, any amendments must be submitted electronically to the Secretary of the Senate for consideration by 8:00 p.m. the day before scheduled floor action to be in order.~~

~~(3) On and after the third day preceding adjournment Sine Die of any session, or two days prior to any cut off date for consideration of bills, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote.))~~

**Floor Amendments**

**J.** Any floor amendments must be submitted electronically by a member to the Secretary of the Senate for consideration.

**SECTION III  
COMMITTEES**

**Committee Procedures**

~~**((L.)) K.** (1) All committees will meet remotely, except that, after consultation with the President, the majority leader may choose to hold a Rules Committee meeting in person. A member shall be considered in attendance at a committee hearing if the member is participating through a remote access program established by the Secretary of the Senate as provided in Senate Rule 70.~~

~~(2) All committees will rely upon and use the Electronic Bill Book. Committee staff should add all materials relating to hearings, work sessions, or executive sessions to the Electronic Bill Book as early as possible or when the material has been made public. Paper copies will not be provided to members.~~

~~(3) All committees will use the Committee Sign-In system used in the past by the public, which has been modified to allow universal remote testimony sign-in for all committee hearings. All committee members will be able to view the list of individuals who have signed in to testify on each bill. All testimony will be~~

taken remotely or in writing. Members of the public wishing to testify may sign up remotely up to one hour before the committee is scheduled to meet.

(4) Chairs must publish the list of bills that may be considered for executive session by 4:00 p.m. two days preceding executive session. A chair with the consent of the ranking member has discretion to waive this deadline in extraordinary circumstances.

(5) Members must have amendment requests to nonpartisan committee staff by noon the day before scheduled executive action. Members should be considerate of staff and turn in amendment requests earlier if they are long or complex, keeping in mind the final deadline for consideration of amendments.

(6) All amendments, including substitutes, must be sponsored by a committee member. All amendments and effect statements must be either drafted or reviewed, or both, by nonpartisan committee staff. To be eligible for consideration at an executive session (~~(-amendments must be released from confidentiality and posted to the Electronic Bill Book for committee members by 4:00 p.m. the day before the executive session or the amendments will be considered out of order)~~) in a committee meeting scheduled to begin prior to 12:00 p.m., amendments must be released from confidentiality and posted to the Electronic Bill Book for committee members and the public by 4:00 p.m. the day before the executive session or the amendments will be considered out of order. To be eligible for consideration at an executive session in a committee meeting scheduled to begin on or after 12:00 p.m., amendments must be released from confidentiality and posted to the Electronic Bill Book for committee members and the public by 7:00 p.m. the day before the executive session or the amendments will be considered out of order. A chair with the consent of the ranking member has discretion to waive this deadline in extraordinary circumstances.

(7) Committee voting will be done through recorded roll call votes with the results transmitted to the Secretary of the Senate via electronic means. Members must be present and visible to be eligible to vote during the executive session. Voting will not be allowed "subject to signatures."

(8) Electronic reports of standing committees must be received one hour prior to convening of the session in order to be read at said session. This requirement may be suspended by a majority of the Senate."

#### MOTION

Senator Short moved that the following amendment no. 924 by Senator Short be adopted:

On page 7, at the beginning of line 1, strike all material through "~~vote.)~~" on line 17 and insert the following:

#### **"Consideration of Bills and Amendments**

~~(K.)~~ **J.** (1) The majority floor leader will provide draft orders of consideration for the Second Reading Calendar to the minority floor leader by 5:00 p.m. two days before scheduled floor action. Bills may be added to orders of consideration with the consent of the majority and minority floor leaders.

(2) Once a bill is listed on a draft order of consideration submitted to the minority floor leader, any amendments must be submitted electronically to the Secretary of the Senate for consideration by 8:00 p.m. the day before scheduled floor action to be in order.

(3) On and after the third day preceding adjournment Sine Die of any session, or two days prior to any cut-off date for consideration of bills, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote."

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

Senator Short spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 924 by Senator Short on page 7, line 1 to Senate Resolution No. 8630.

The motion by Senator Short did not carry and amendment no. 924 was not adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

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

#### STANDING COMMITTEE ASSIGNMENTS

Pursuant to the document entitled "2022 Senate Standing Committees & Subcommittee Membership" the President appointed the following senators to the standing committees and subcommittees of the senate as follows:

#### 2022 SENATE STANDING COMMITTEES & SUBCOMMITTEE MEMBERSHIP

##### **Agriculture, Water, Natural Res. & Parks**

<i>Van De Wege, Chair</i>	<i>Warnick, Ranking</i>
<i>Salomon, Vice Chair</i>	<i>Honeyford</i>
<i>Stanford</i>	<i>Short</i>
<i>Rolfes</i>	

##### **Business, Financial Services & Trade**

<i>Mullet, Chair</i>	<i>Dozier, Ranking</i>
<i>Hasegawa, Vice Chair</i>	<i>Brown</i>
<i>Lovick</i>	<i>Wilson, L.</i>
<i>Froct</i>	

##### **Early Learning & K-12 Education**

<i>Wellman, Chair</i>	<i>Hawkins, Ranking</i>
<i>Nobles, Vice Chair-K12</i>	<i>Dozier</i>
<i>Wilson, C., Vice Chair-Early Learning</i>	<i>McCune</i>
<i>Hunt</i>	
<i>Mullet</i>	
<i>Pedersen</i>	

##### **Environment, Energy & Technology**

<i>Carlyle, Chair</i>	<i>Short, Ranking</i>
<i>Lovelett, Vice Chair</i>	<i>Brown</i>
<i>Das</i>	<i>Fortunato</i>
<i>Lovick</i>	<i>Sheldon</i>
<i>Liias</i>	<i>Schoesler</i>
<i>Nguyen</i>	
<i>Stanford</i>	
<i>Wellman</i>	

##### **Health & Long Term Care**

<i>Cleveland, Chair</i>	<i>Muzzall, Ranking</i>
<i>Froct, Vice Chair</i>	<i>Holy</i>
<i>Conway</i>	<i>Padden</i>
<i>Keiser</i>	<i>Rivers</i>
<i>Randall</i>	<i>42 LD</i>
<i>Robinson</i>	
<i>Van De Wege</i>	

**Behavioral Health Subcommittee**

*Froct, Chair*                      *Wagoner, Ranking*  
 Dhingra                              Warnick  
 Nobles

**Higher Ed. & Workforce Dev.**

*Randall, Chair*                      *Holy, Ranking*  
*Nobles, Vice Chair*              42 LD  
 Liias

**Housing & Local Government**

*Kuderer, Chair*                      *Fortunato, Ranking*  
*Das, Vice Chair*                      *Gildon, Asst. Ranking*  
 Cleveland                              Wilson, J.  
 Lovelett                                  Warnick  
 Salomon                                  42 LD  
 Trudeau

**Human Serv., Reentry & Rehabilitation**

*Wilson, C., Chair*                      *Gildon, Ranking*  
*Nguyen, Vice Chair*                  Dozier  
 Saldaña                                  McCune  
 Trudeau

**Labor, Commerce & Tribal Affairs**

*Keiser, Chair*                              *King, Ranking*  
*Conway, Vice Chair, Labor*          Braun  
*Stanford, Vice Chair,*                  Rivers  
*Commerce & Tribal Affairs*          Schoesler  
 Robinson  
 Saldaña

**Law & Justice**

*Dhingra, Chair*                              *Padden, Ranking*  
*Trudeau, Vice Chair*                  *McCune, Asst. Ranking*  
 Kuderer                                      Honeyford  
 Pedersen                                      Wagoner  
 Salomon

**State Govt. & Elections**

*Hunt, Chair*                                  *Wilson, J., Ranking*  
*Kuderer, Vice Chair*                  Hawkins  
 Hasegawa

**Transportation**

*Liias, Chair*                                  *King, Ranking*  
*Saldaña, Vice Chair*                  Fortunato  
 Cleveland                                  Hawkins  
 Das    Holy  
 Lovelett                                      Padden  
 Nguyen                                        Sheldon  
 Nobles                                        Wilson, J.  
 Randall  
 Wilson, C.  
 Lovick

**Ways & Means**

*Rolfes, Chair*                                  *Wilson, L., Ranking*  
*Robinson, Vice Chair*                  *Brown, Asst. Ranking*  
*Operating & Revenue*                  *Operations*  
*Froct, Vice Chair Capital*              *Honeyford, Ranking Capital*  
 Billig    *Schoesler, Asst. Ranking*  
 Carlyle    *Capital*  
 Conway                                        Braun

Dhingra  
 Hasegawa  
 Hunt  
 Keiser  
 Mullet  
 Pedersen  
 Van De Wege  
 Wellman

Gildon  
 Muzzall  
 Rivers  
 Wagoner  
 Warnick

**Rules**

*Lt. Governor Heck, Chair*              *Braun, Ranking*  
*Keiser, Vice Chair*                      Short  
 Billig    Gildon  
 Carlyle                                        King  
 Cleveland                                  Muzzall  
 Hasegawa                                  Rivers  
 Kuderer  
 Liias  
 Nguyen  
 Pedersen  
 Wilson, C.

**MOTIONS**

On motion of Senator Pedersen, the appointments to the Standing Committees were confirmed by voice vote.

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

**MESSAGE FROM THE HOUSE**

January 10, 2022

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5487 by Senators Hawkins, Pedersen, Braun, Froct, Hasegawa, Hunt, Keiser, Mullet, Nobles and Wagoner AN ACT Relating to small school district consolidation incentives for infrastructure enhancement and modernization; amending RCW 28A.525.166; adding a new section to chapter 28A.315 RCW; and making an appropriation.

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

SB 5488 by Senators Randall, Rolfes, Billig, Dhingra, Van De Wege and Wilson, C.

AN ACT Relating to completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project; adding a new section to chapter 82.32 RCW; adding a new section to chapter 47.46 RCW; and making appropriations.

Referred to Committee on Transportation.

SB 5489 by Senators Pedersen, Padden, Dhingra and Mullet

AN ACT Relating to business entities; and amending RCW 23B.01.400, 23B.06.230, 23B.06.400, 23B.07.020, 23B.07.070, 23B.07.200, 23B.11.010, 23B.11.030, 23B.11.050, 23B.11.060, 23B.11.090, 23B.11.100, 23B.13.020, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.230, 25.10.011, 25.10.101, 25.10.491, 25.10.496, 25.10.546, 25.10.771, 25.10.791, 25.15.006, 25.15.046, 25.15.116, 25.15.121, 25.15.131, and 25.15.441.

Referred to Committee on Law & Justice.

SB 5490 by Senators Pedersen, Padden, Dhingra and Mullet

AN ACT Relating to creating the interbranch advisory committee; adding a new chapter to Title 2 RCW; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5491 by Senators Pedersen, Rivers and Mullet

AN ACT Relating to clarifying waiver of firearm rights; amending RCW 9.41.010, 9.41.040, 9.41.098, 9.41.350, and 9.41.352; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5492 by Senators Wilson, J., Conway, Das, Lovelett, Lovick, Nguyen, Rolfes, Schoesler and Wellman

AN ACT Relating to providing for the recycling of wind turbine blades; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5493 by Senators Wilson, J., Mullet, Nguyen, Randall and Wellman

AN ACT Relating to reopening the renewable energy system incentive program for residential-scale systems; amending RCW 82.16.165, 82.16.110, and 82.16.130; repealing RCW 82.16.120 and 82.16.155; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SB 5494 by Senator Wilson, J.

AN ACT Relating to prohibiting products that contain olefins derived from methanol manufactured from natural gas; and adding a new chapter to Title 70A RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5495 by Senators Wilson, J., Dozier, Fortunato, Gildon, Honeyford, Keiser, McCune, Mullet, Randall, Rolfes, Schoesler, Sheldon, Van De Wege, Wagoner, Warnick and Wilson, L.

AN ACT Relating to catalytic converters; amending RCW 19.290.020, 19.290.030, and 19.290.070; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5496 by Senator Muzzall

AN ACT Relating to health professional monitoring programs by clarifying the application of the programs and confidentiality protections for program participants, and updating terminology, definitions, and references; amending RCW 18.22.250, 18.32.534, 18.57.015, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.92.047, and 18.130.070; and reenacting and amending RCW 18.130.175.

Referred to Committee on Health & Long Term Care.

SB 5497 by Senators C. Wilson, Nobles, Conway, Das, Hunt, Lovelett, Lovick, Nguyen, Saldaña and Wellman

AN ACT Relating to extending voting authority to student members on the state board of education; and amending RCW 28A.305.011.

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

SB 5498 by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Wagoner and Wellman

AN ACT Relating to posthumous high school diplomas; amending RCW 28A.230.120; and creating a new section.

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

SB 5499 by Senators Cleveland, Muzzall, Randall and Wilson, C.

AN ACT Relating to credentialing of medical assistant-hemodialysis technicians; amending RCW 18.360.040; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5500 by Senators Fortunato, Hasegawa, Padden, Wilson, J. and Wilson, L.

AN ACT Relating to litter pickup during maintenance closures; and amending RCW 70A.200.170.

Referred to Committee on Environment, Energy & Technology.

SB 5501 by Senator Fortunato

AN ACT Relating to state board of education membership; adding new sections to chapter 28A.305 RCW; and repealing RCW 28A.305.011 and 28A.305.021.

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

SB 5502 by Senators Fortunato, McCune, Padden, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to requiring the removal of graffiti on department of transportation property; and adding a new section to chapter 9A.48 RCW.

Referred to Committee on Law & Justice.

SB 5503 by Senators Schoesler, Braun, Brown, Dozier, Gildon, Honeyford, Mullet, Muzzall, Padden, Short, Wagoner and Wilson, L.

AN ACT Relating to studying the financial products available through the private market to replace the long-term services and supports trust program authorized in chapter 50B.04 RCW; creating a new section; repealing RCW

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040,  
50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080,  
50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100,  
50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140,  
50B.04.150, 50B.04.160, and 50B.04.900; and providing an  
expiration date.

Referred to Committee on Health & Long Term Care.

SB 5504 by Senators Warnick, Van De Wege, Billig, Conway,  
Das, Lovelett, Mullet, Nguyen, Randall, Saldaña,  
Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to extending current discover pass free  
days from state parks to all state recreation sites and lands;  
and amending RCW 79A.80.050.

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

SB 5505 by Senators Rolfes, Warnick, Hasegawa, Lovelett,  
Lovick, Mullet, Pedersen, Van De Wege, Wagoner and  
Wilson, C.

AN ACT Relating to reinstating a property tax exemption  
for property owned by certain nonprofit organizations where  
a portion of the property is used for the purpose of a farmers  
market; amending RCW 84.36.020 and 84.36.805; and  
creating new sections.

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

SB 5506 by Senators Kuderer, Hasegawa, Lovick and Wilson, C.

AN ACT Relating to the appointment process for the  
chairperson and vice chairperson of the joint administrative  
rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government & Elections.

SB 5507 by Senators Keiser, Muzzall, Lovick and Wilson, C.

AN ACT Relating to exempting a manufacturer of certain  
dialysate and dialysis devices used by home dialysis patients  
or a manufacturer's agent from the pharmacy practices act  
and legend drug act; and amending RCW 18.64.257 and  
69.41.032.

Referred to Committee on Health & Long Term Care.

SB 5508 by Senators Liias, Muzzall, Frockt, Hunt, Lovick,  
Mullet, Randall, Robinson and Stanford

AN ACT Relating to the insurance guaranty fund; and  
amending RCW 48.32A.015, 48.32A.025, 48.32A.045,  
48.32A.055, 48.32A.065, 48.32A.075, 48.32A.085,  
48.32A.095, 48.32A.115, 48.32A.135, 48.32A.175, and  
48.32A.185.

Referred to Committee on Health & Long Term Care.

SB 5509 by Senators Honeyford, Mullet, Padden, Randall,  
Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment  
from the definition of drug paraphernalia; and amending  
RCW 69.50.102.

Referred to Committee on Law & Justice.

SB 5510 by Senators King, Lovelett, Dozier, Mullet, Saldaña  
and Wilson, J.

AN ACT Relating to renewal of the sales and use tax for  
transportation benefit districts; and amending RCW  
82.14.0455.

Referred to Committee on Transportation.

SB 5511 by Senators Honeyford, Hasegawa, Lovick, Padden,  
Wagoner and Wilson, J.

AN ACT Relating to uniform standard time for the state of  
Washington; amending RCW 1.20.050 and 35A.21.190;  
amending 2019 c 297 s 4 (uncodified); creating a new  
section; repealing RCW 1.20.051; providing a contingent  
effective date; and providing a contingent expiration date.

Referred to Committee on State Government & Elections.

SB 5512 by Senators Honeyford, Hasegawa, Lovick, Mullet,  
Randall, Rolfes and Wagoner

AN ACT Relating to designating a state nickname; and  
adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Elections.

SB 5513 by Senators Hawkins, Kuderer, Pedersen, Warnick and  
Wellman

AN ACT Relating to expanding flexibility of existing  
lodging taxes for affordable workforce housing; and  
amending RCW 67.28.181 and 67.28.1815.

Referred to Committee on Housing & Local Government.

SB 5514 by Senators Dozier, Mullet, Short and Wilson, J.

AN ACT Relating to increasing the frequency of county  
legislative meetings at alternate locations; and amending  
RCW 36.32.080.

Referred to Committee on Housing & Local Government.

SB 5515 by Senators Dozier, Holy and Padden

AN ACT Relating to encouraging economic growth by  
providing a state business tax credit for new employment  
positions in the hospitality industry; adding a new section to  
chapter 82.04 RCW; creating a new section; and providing  
an effective date.

Referred to Committee on Business, Financial Services &  
Trade.

SB 5516 by Senators Fortunato, McCune and Padden

AN ACT Relating to requiring informed consent before  
performing an abortion; adding a new section to chapter 9.02  
RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 5517 by Senators Keiser, Saldaña, Hasegawa, Mullet,  
Nguyen, Pedersen, Randall, Stanford, Wilson, C. and  
Wilson, J.

AN ACT Relating to the employment of individuals who  
lawfully consume cannabis; and adding a new section to  
chapter 49.44 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5518 by Senators Muzzall, Keiser, Conway, Gildon, Hunt and Randall

AN ACT Relating to the occupational therapy licensure compact; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health & Long Term Care.

SB 5519 by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

SB 5520 by Senators Keiser, Stanford, Hasegawa, Kuderer, Nguyen and Wilson, C.

AN ACT Relating to disclosing harassment and discrimination; and amending RCW 49.44.210.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5521 by Senator Padden

AN ACT Relating to good faith exceptions to the exclusionary evidence rule; adding a new section to chapter 10.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5522 by Senators Padden, Lovick, McCune, Schoeler, Short, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to increasing the penalty for assaulting a law enforcement officer; amending RCW 9A.36.031 and 9.94A.515; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5523 by Senators Padden, Short, Wagoner and Wilson, L.

AN ACT Relating to possession of controlled substances; amending RCW 69.50.4011, 69.50.4013, and 10.31.115; repealing 2021 c 311 ss 15 and 16; repealing 2021 c 311 s 29 (uncodified); and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5524 by Senators Honeyford, Wagoner and Wilson, L.

AN ACT Relating to imposing a sentence of life in prison for controlled substances homicide for fentanyl-laced drugs; amending RCW 9.94A.540, 69.50.415, 9.94A.518, and 9.94A.518; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5525 by Senators Fortunato and Short

AN ACT Relating to allowing persons to take immediate action to remedy water quality conditions to protect public health and welfare without the threat of penalty; amending RCW 90.48.240; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5526 by Senators Fortunato, Padden and Wilson, J.

AN ACT Relating to studying the global availability of lithium and rare earth minerals for battery manufacturing; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

SB 5527 by Senators Wellman, Kuderer, Frockt and Wilson, C.

AN ACT Relating to adding sublimits of coverage to an insurance policy's declaration page; and amending RCW 48.18.140.

Referred to Committee on Business, Financial Services & Trade.

SB 5528 by Senators Pedersen, Liias and Hawkins

AN ACT Relating to the imposition of additive revenue sources within a regional transit authority area; amending RCW 81.104.160; and adding new sections to chapter 81.112 RCW.

Referred to Committee on Transportation.

SB 5529 by Senators Cleveland, Keiser, Dhingra and Wilson, C.

AN ACT Relating to self-directed care; amending RCW 74.39.007; and repealing RCW 74.39.060.

Referred to Committee on Health & Long Term Care.

SB 5530 by Senators Frockt, Das, Dhingra, Lovelett, Mullet, Nguyen, Wellman and Wilson, C.

AN ACT Relating to the building for the arts program; and amending RCW 43.63A.750.

Referred to Committee on Ways & Means.

SB 5531 by Senators Pedersen, Wilson, L. and Mullet

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260, 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5532 by Senators Keiser, Robinson, Conway, Hasegawa, Pedersen, Randall, Stanford and Wilson, C.

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100 and

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

43.71.130; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 5533 by Senators Keiser, King, Conway, Dhingra, Kuderer, Lovick, Randall, Rivers, Schoesler and Wilson, C.

AN ACT Relating to online marketplace consumer product theft and safety protection; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5534 by Senators Brown and Wagoner

AN ACT Relating to the use of verifiable credentials; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5535 by Senators Wilson, C., Das, Dhingra, Hasegawa, Lovelett, Nguyen, Robinson and Saldaña

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.40.220.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5536 by Senator Hasegawa

AN ACT Relating to a collaborative school-based governance model; adding new sections to chapter 28A.630 RCW; and creating a new section.

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

SB 5537 by Senators Wellman, Wilson, C., Dhingra and Kuderer

AN ACT Relating to changing compulsory school attendance requirements for children five, six, and seven years of age; amending RCW 28A.225.010, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, 28A.200.010, and 28A.200.020; creating a new section; repealing RCW 28A.225.015; and providing an effective date.

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

SB 5538 by Senator Hunt

AN ACT Relating to a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments; and creating new sections.

Referred to Committee on State Government & Elections.

SB 5539 by Senators Hunt and Wilson, C.

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Ways & Means.

SB 5540 by Senators Hunt, Kuderer and Wilson, C.

AN ACT Relating to dates and timelines associated with the operation of the state primary and elections; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 29A.24.181, 29A.28.041, and 29A.60.240; reenacting and amending RCW 29A.16.040; repealing RCW 29A.24.072; and providing an effective date.

Referred to Committee on State Government & Elections.

SB 5541 by Senators Mullet, Gildon, Keiser, Lias and Lovick

AN ACT Relating to exempting newspapers from business and occupation tax; amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

SB 5542 by Senators Cleveland, Rivers, Conway, Lovick and Robinson

AN ACT Relating to the practice of optometry; and amending RCW 18.53.010, 18.54.030, 18.54.060, 18.54.050, and 18.54.070.

Referred to Committee on Health & Long Term Care.

SB 5543 by Senators Carlyle, Das, Hunt, Lias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Randall, Rolfes, Stanford, Wilson, C. and Wilson, J.

AN ACT Relating to a zero-emission landscaping equipment incentive program; adding new sections to chapter 70A.15 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5544 by Senators Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5545 by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

AN ACT Relating to survivor benefits; and amending RCW 28B.15.621.

Referred to Committee on Higher Education & Workforce Development.

SB 5546 by Senators Keiser, Van De Wege, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford and Wilson, C.

AN ACT Relating to insulin affordability; amending RCW 41.05.017 and 70.14.160; reenacting and amending RCW 48.43.780; providing an effective date; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

SB 5547 by Senators Keiser, Schoesler, Conway, Mullet, Robinson and Wilson, C.

AN ACT Relating to expanding regulatory authority over cannabinoids that may be impairing and providing for enhanced product safety and consumer information disclosure about marijuana products; amending RCW 69.50.325, 69.50.326, 69.50.342, and 69.50.363; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5548 by Senators Pedersen, Wagoner, Dhingra and Mullet

AN ACT Relating to the uniform unregulated child custody transfer act; amending RCW 26.33.400; adding a new chapter to Title 26 RCW; recodifying RCW 26.33.400; repealing RCW 26.33.370; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5549 by Senators King, Mullet and Randall

AN ACT Relating to amending types of nonprofit organizations qualified to engage in certain bingo gambling activities and changes to the number of occurrences for unlicensed bingo activities; and amending RCW 9.46.0209 and 9.46.0321.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5550 by Senators Van De Wege, Mullet, Wagoner and Wilson, L.

AN ACT Relating to applying the public records act to all courts and offices within the judicial branch; and amending RCW 42.56.010.

Referred to Committee on State Government & Elections.

SB 5551 by Senators Randall, Liias, Billig, Das, Dhingra, Frockt, Keiser, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Saldaña, Stanford, Trudeau and Wilson, C.

AN ACT Relating to medicaid coverage for HIV antiviral drugs; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5552 by Senators Van De Wege and Mullet

AN ACT Relating to modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements; amending RCW 77.08.010, 77.08.075, 77.32.155, 77.32.470, 77.32.480, 77.32.520, and 79A.80.040; and adding a new section to chapter 77.32 RCW.

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

SB 5553 by Senators Wilson, C., Das, Hasegawa, Lovick, Nguyen, Randall and Wellman

AN ACT Relating to providing data regarding early STEM metrics in the STEM education report card; and amending RCW 28A.188.040.

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

SB 5554 by Senator Hasegawa

AN ACT Relating to eliminating the prohibition on local net income taxes if certain revenue neutrality requirements are met; adding a new section to chapter 36.65 RCW; and repealing RCW 36.65.030.

Referred to Committee on Housing & Local Government.

SB 5555 by Senators Van De Wege, Hunt, Mullet and Randall

AN ACT Relating to public safety telecommunications; amending RCW 38.52.520; and adding a new chapter to Title 38 RCW.

Referred to Committee on State Government & Elections.

SB 5556 by Senators Fortunato, Padden, Randall, Salomon and Wagoner

AN ACT Relating to providing financial relief to hotels, motels, and other lodging facilities impacted by the eviction moratorium; adding a new section to chapter 84.36 RCW; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5557 by Senator Hasegawa

AN ACT Relating to providing sustainable support for new businesses; adding new sections to chapter 82.04 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5558 by Senators King, Liias and Mullet

AN ACT Relating to the bistate governance of interstate toll bridges owned by local governments; amending RCW 47.56.860; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5559 by Senators Van De Wege, Keiser, Randall, Stanford and Wilson, C.

AN ACT Relating to verification for use of paid sick leave; and amending RCW 49.46.210.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5560 by Senators Pedersen, Wilson, J., Billig, Hunt, Kuderer, Mullet and Randall

AN ACT Relating to procedures for approval and submission of the redistricting plan; amending RCW 44.05.020, 44.05.080, and 44.05.100; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5561 by Senators Dhingra, Das, Kuderer, Lovelett, Pedersen, Saldaña, Stanford, Van De Wege and Wellman

AN ACT Relating to the restoration of the right to possess a firearm; amending RCW 9.41.040 and 9.41.047; adding a

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

new section to chapter 9.41 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5562 by Senators Wellman, Mullet, Conway, Lovick and Wilson, C.

AN ACT Relating to educational service districts health care for nonrepresented employees; and amending RCW 41.05.011, 41.05.050, 28A.400.350, 41.05.065, and 44.28.157.

Referred to Committee on Ways & Means.

SB 5563 by Senators Wellman, Hasegawa, Conway, Dhingra, Kuderer, Nguyen, Pedersen, Randall, Stanford and Wilson, C.

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency.

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

SB 5564 by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.

AN ACT Relating to protecting the confidentiality of employees using employee assistance programs; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5565 by Senators Sheldon, Rolfes, Lovick and Mullet

AN ACT Relating to allowing fire districts and regional fire authorities to carry out certain treasurer functions; and amending RCW 52.16.010, 52.16.020, 52.16.050, and 52.26.090.

Referred to Committee on Housing & Local Government.

SB 5566 by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to expanding eligibility for the independent youth housing program; and amending RCW 43.63A.307.

Referred to Committee on Housing & Local Government.

SB 5567 by Senators Van De Wege and Salomon

AN ACT Relating to commercial salmon fishing; amending RCW 77.50.030, 77.65.160, 82.27.020, and 82.27.070; and creating a new section.

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

SB 5568 by Senators Kuderer, Dhingra, Keiser, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.

AN ACT Relating to preemption of municipal laws restricting the open carry of weapons; amending RCW 9.41.300; reenacting and amending RCW 9.41.300;

providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5569 by Senators Padden, Honeyford, Van De Wege, Wagoner and Wilson, L.

AN ACT Relating to improving public safety; amending RCW 10.116.020, 10.116.030, 10.116.040, 10.116.060, 10.120.010, 10.120.020, 43.101.080, 43.43.837, 43.101.105, and 10.93.190; reenacting and amending RCW 43.101.010; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5570 by Senator Hunt

AN ACT Relating to establishing a process for removal or relocation of major works on the capitol grounds; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government & Elections.

SB 5571 by Senators Stanford, Sheldon, Das, Hunt, Keiser, Lovick, Mullet, Saldaña and Wilson, C.

AN ACT Relating to the modernization of the statewide 911 emergency communications system; amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530.

Referred to Committee on State Government & Elections.

SB 5572 by Senators Wilson, C., Dhingra, Conway, Honeyford, Hunt, Randall and Wagoner

AN ACT Relating to implementing the recommendations of the Washington state internet crimes against children task force; amending RCW 9.68A.040, 9.68A.053, and 9.94A.515; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5573 by Senators Lovick, Dhingra, Wellman and Wilson, C.

AN ACT Relating to drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence; amending RCW 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.633, 9.94A.6332, 9.94A.660, and 9.94A.701; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5574 by Senator Fortunato

AN ACT Relating to new counties; amending RCW 36.32.020 and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on Housing & Local Government.

SB 5575 by Senators Lovick, Robinson, Das, Lias, Padden, Salomon, Stanford and Wellman

AN ACT Relating to adding additional superior court judges in Snohomish county; and amending RCW 2.08.064.

Referred to Committee on Law & Justice.

SB 5576 by Senators Kuderer, Trudeau, Das, Hasegawa, Lovelett, Saldaña and Wilson, C.

AN ACT Relating to addressing landlord-tenant relations by providing technical changes to eviction notice and summons forms and modifying certain eviction processes and programs; and amending RCW 59.18.057, 59.18.365, 59.18.630, 59.18.640, 59.18.660, and 59.18.410.

Referred to Committee on Housing & Local Government.

SB 5577 by Senators Van De Wege, Mullet, Gildon, Honeyford, Lovick, Padden, Randall, Salomon, Wagoner and Wilson, L.

AN ACT Relating to public safety; and amending RCW 10.116.060, 10.120.010, and 10.120.020.

Referred to Committee on Law & Justice.

SB 5578 by Senators King, Lias and Mullet

AN ACT Relating to clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax; and amending RCW 82.12.010 and 82.04.450.

Referred to Committee on Ways & Means.

SB 5579 by Senators Hunt, Keiser, Conway, Hasegawa, Lovick, Nguyen, Saldaña, Stanford and Wilson, C.

AN ACT Relating to granting Washington management service employees the right to collectively bargain; and amending RCW 41.06.022 and 41.80.005.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5580 by Senators Wellman, Mullet, Frockt, Kuderer, Nguyen, Warnick and Wilson, C.

AN ACT Relating to broadband infrastructure loans and grants made by the public works board; and amending RCW 43.155.160 and 42.56.270.

Referred to Committee on Environment, Energy & Technology.

SB 5581 by Senators Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to pupil transportation allocations; amending RCW 28A.160.117, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; and adding a new section to chapter 28A.160 RCW.

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

SB 5582 by Senators Hunt and Kuderer

AN ACT Relating to the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five; and amending RCW 53.12.010 and 53.12.130.

Referred to Committee on State Government & Elections.

SB 5583 by Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons; amending RCW 29A.76.010 and 29A.76.010; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5584 by Senators Trudeau, Nobles, Das, Dhingra, Frockt, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Stanford and Wilson, C.

AN ACT Relating to increasing representation and voter participation in local elections; amending RCW 29A.60.221, 29A.52.112, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, 28A.343.320, and 29A.04.410; reenacting and amending RCW 29A.36.170; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; creating new sections; repealing RCW 29A.04.127; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5585 by Senators Rolfes and Das

AN ACT Relating to setting domestic wastewater discharge fees; reenacting and amending RCW 90.48.465; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5586 by Senators Frockt, Hasegawa, Mullet and Nguyen

AN ACT Relating to the authority of the community economic revitalization board with respect to loans and grants to political subdivisions and federally recognized Indian tribes for broadband; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

SB 5587 by Senators Van De Wege, Robinson, Randall and Rivers

AN ACT Relating to public health and fluoridation of drinking water; adding new sections to chapter 70A.125 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5588 by Senators Wilson, C., Dhingra, Das, Hasegawa, Nguyen, Randall, Saldaña and Stanford

AN ACT Relating to reentry and discharge planning for incarcerated individuals at the department of corrections; and amending RCW 72.09.270.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5589 by Senators Robinson, Frockt and Randall

AN ACT Relating to statewide spending on primary care; adding a new section to chapter 70.390 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 5590 by Senators Wagoner, Das, Lovelett, Mullet and Rolfes

AN ACT Relating to eliminating the 2022 expiration date of the marine resources advisory council; amending RCW 43.06.338; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5591 by Senator Fortunato

AN ACT Relating to providing certain limitations on uses and demographics for certain emergency housing and shelters; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing & Local Government.

SB 5592 by Senators Wilson, C., Dhingra and Hasegawa

AN ACT Relating to eliminating the cost of supervision assessments charged to offenders; amending RCW 9.94A.74504, 9.94A.760, and 9.95.214; creating a new section; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5593 by Senators Short, Lovelett, Gildon, Hasegawa and Mullet

AN ACT Relating to urban growth area boundaries; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Housing & Local Government.

SB 5594 by Senators Short, Wellman, Hasegawa, Padden and Wagoner

AN ACT Relating to public school instruction in awareness of bone marrow donation; amending RCW 28A.710.040 and 28A.715.020; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SB 5595 by Senators Wellman, Wilson, C., Billig, Das, Frockt, Pedersen, Randall, Saldaña and Wilson, J.

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007; reenacting and amending RCW 28A.150.260 and 28A.150.260; providing effective dates; and providing an expiration date.

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

SB 5596 by Senators Trudeau, Frockt, Dhingra and Wilson, C.

AN ACT Relating to conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act; and amending RCW 18.225.100 and 18.225.105.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5597 by Senators Saldaña, Hunt, Conway, Das, Dhingra, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Stanford and Wilson, C.

AN ACT Relating to the Washington voting rights act; amending RCW 29A.92.020, 29A.92.030, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, and 29A.92.010; and adding new sections to chapter 29A.92 RCW.

Referred to Committee on State Government & Elections.

SB 5598 by Senators Lovelett, Muzzall, Das, Dozier, Hasegawa, Hunt, Keiser, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Salomon, Stanford, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

AN ACT Relating to sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax; amending RCW 82.49.030; and creating a new section.

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

SB 5599 by Senators Saldaña, Keiser, Conway, Das, Hasegawa, Lias and Wilson, C.

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; repealing RCW 19.28.195; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5600 by Senators Keiser, Holy, Conway, Das, Dhingra, Hasegawa, Kuderer, Lias, Lovelett, Lovick, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.

AN ACT Relating to the sustainability and expansion of state registered apprenticeship programs; amending RCW 49.04.050; adding new sections to chapter 49.04 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5601 by Senators Short, Braun, Dozier, Holy, Honeyford, McCune, Padden, Rivers, Wagoner, Warnick, Wilson, J. and Wilson, L.

AN ACT Relating to empowering school district boards of directors; amending RCW 28A.150.290 and 28A.300.040; and creating a new section.

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

SB 5602 by Senators Mullet and Hasegawa

AN ACT Relating to service providers working with state-regulated financial institutions; amending RCW 31.12.565; and adding new sections to chapter 43.320 RCW.

Referred to Committee on Business, Financial Services & Trade.

SB 5603 by Senators Hawkins, Wagoner, Lovick and Padden

AN ACT Relating to a comprehensive study of the state route number 2 corridor to improve safety and mobility, including outreach to adjacent communities; and creating new sections.

Referred to Committee on Transportation.

SB 5604 by Senators Keiser, Conway and Wilson, C.

AN ACT Relating to adding references to contractor licensing laws in workers' compensation, public works, and prevailing wage statutes; and amending RCW 39.04.350, 39.06.020, 39.12.050, 39.12.055, 39.12.065, 39.12.100, 51.08.070, 51.08.180, 51.08.181, 51.12.070, 51.12.120, 51.16.070, and 51.48.022.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5605 by Senators Rivers, Conway and Rolfes

AN ACT Relating to licensure of anesthesiologist assistants; amending RCW 18.130.040, 18.130.040, 18.120.020, and 18.120.020; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5606 by Senators Mullet, Conway, Hunt, Keiser and Randall

AN ACT Relating to expanding the use of air conditioning in adult family homes; amending RCW 70.128.060; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5607 by Senators Wilson, L., Braun, Hasegawa, Rolfes, Wellman and Wilson, J.

AN ACT Relating to including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census; amending RCW 43.185C.030; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5608 by Senators Wilson, L., Braun, Brown, Dozier, Fortunato, Hasegawa, Keiser, Rivers, Short, Wagoner and Wilson, J.

AN ACT Relating to free public access to state parks and lands; amending RCW 4.24.210, 43.30.385, 46.01.140, 46.16A.090, 77.12.170, 77.15.750, 77.32.010, 79A.05.070, 79A.05.215, 79A.80.010, and 79A.80.090; creating a new section; repealing RCW 46.01.370, 79A.80.020, 79A.80.030, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.100, and 79A.80.110; and providing an effective date.

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

SB 5609 by Senators Trudeau, Wilson, C., Das, Hasegawa, Nguyen and Stanford

AN ACT Relating to eliminating fingerprinting at juvenile dispositions; and amending RCW 10.64.110.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5610 by Senators Frockt, Cleveland, Conway, Dhingra, Hasegawa, Honeyford, Keiser, Kuderer, Liias, Lovelett, Lovick, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.

AN ACT Relating to requiring cost sharing for prescription drugs to be counted against an enrollee's out-of-pocket costs, deductible, cost sharing, out-of-pocket maximum, or similar enrollee obligation, regardless of the source of the payment; amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 5611 by Senators Mullet, King, Gildon, Lovick, Padden, Randall, Rolfes, Short and Wilson, L.

AN ACT Relating to providing an exemption to long-term care insurance for retired veterans and retirement eligible veterans; and amending RCW 50B.04.010, 50B.04.020, and 50B.04.085.

Referred to Committee on Health & Long Term Care.

SB 5612 by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

AN ACT Relating to ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions; and amending RCW 7.69.030.

Referred to Committee on Law & Justice.

SB 5613 by Senators Van De Wege, Rolfes, Conway, Hasegawa, Liias, Lovelett, Pedersen and Stanford

AN ACT Relating to the use of dogs to hunt black bear, cougar, or bobcat; and amending RCW 77.15.245.

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

SB 5614 by Senators Randall, Holy, Conway, Das, Kuderer, Lovick, Mullet, Padden, Stanford and Wilson, C.

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010 and 28B.103.020.

Referred to Committee on Higher Education & Workforce Development.

SB 5615 by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Pedersen, Randall, Rolfes and Wellman

AN ACT Relating to designating pickleball as the official state sport; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

SB 5616 by Senator Rolfes

AN ACT Relating to accounts; amending RCW 43.330.767 and 46.68.067; reenacting and amending RCW 43.70.715; reenacting and amending 2018 c 298 s 7008 (uncodified); reenacting RCW 43.79.550, 43.79.555, 43.79.557, and 28A.300.820; adding a new section to chapter 43.79 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5617 by Senators Cleveland, Mullet and Wilson, L.

AN ACT Relating to population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs; and amending RCW 43.360.030.

Referred to Committee on Business, Financial Services & Trade.

SB 5618 by Senators Cleveland, Muzzall, Das, Dhingra, Hasegawa, Hunt, Kuderer, Robinson, Rolfes, Stanford and Wilson, C.

AN ACT Relating to protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions; amending RCW 43.371.100, 48.43.005, 48.43.093, 48.43.535, 48.49.003, 48.49.020, 48.49.030, 48.49.040, 48.49.050, 48.49.060, 48.49.070, 48.49.090, 48.49.100, 48.49.130, 48.49.150, and 48.49.110; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.49 RCW; adding a new section to chapter 71.24 RCW; recodifying RCW 48.49.150; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5619 by Senators Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating a new section.

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

SB 5620 by Senators Wilson, L., Braun, Dhingra, Gildon, Rolfes and Wilson, J.

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5621 by Senators Padden, Holy and Schoesler

AN ACT Relating to intergovernmental tax charges and conflict resolution regarding water and sewage facilities; and adding a new section to chapter 36.94 RCW.

Referred to Committee on Housing & Local Government.

SB 5622 by Senators Randall, Warnick, Gildon, Lovelett, Nguyen, Sheldon and Short

AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SB 5623 by Senators Mullet, Conway, Dozier and Gildon

AN ACT Relating to protecting consumers by limiting the ability of insurers to use credit histories to increase personal insurance premiums at renewal, but not prohibiting the use of credit history by insurers; amending RCW 48.19.035; creating a new section; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5624 by Senators Warnick and Van De Wege

AN ACT Relating to extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification; amending RCW 16.57.460; amending 2019 c 92 s 14 (uncodified); and providing expiration dates.

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

SB 5625 by Senators Fortunato and Padden

AN ACT Relating to data collection on abortion procedures; and adding a new section to chapter 70.58A RCW.

Referred to Committee on Health & Long Term Care.

SB 5626 by Senators Rolfes, Frockt, Lovelett, Lovick, Nguyen, Randall and Stanford

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5627 by Senators Stanford, Conway, Keiser, Kuderer, Lovelett, Lovick and Wilson, C.

AN ACT Relating to injured workers' rights during independent medical examinations; and amending RCW 51.36.070.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5628 by Senators Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.

AN ACT Relating to cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking; amending RCW 9.61.260 and 9A.90.030; adding new sections to chapter 9A.90 RCW; recodifying RCW 9.61.260; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5629 by Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C.

AN ACT Relating to control of the disposition of remains; and amending RCW 68.50.160.

Referred to Committee on Law & Justice.

SB 5630 by Senator Hasegawa

AN ACT Relating to expanding the statutory program of basic education to include the basic education program of early learning; amending RCW 28A.150.200, 43.216.020, 28A.410.210, and 28A.413.030; adding a new chapter to Title 28A RCW; and providing an expiration date.

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

SB 5631 by Senators Kuderer, Brown, Dhingra, Fortunato, Lovick, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.

AN ACT Relating to making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration; amending RCW 46.25.090; and providing an effective date.

Referred to Committee on Transportation.

SB 5632 by Senators Honeyford and Holy

AN ACT Relating to investments in critical water infrastructure projects; adding a new chapter to Title 90 RCW; and declaring an emergency.

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

SB 5633 by Senators Rolfes, Short, Das, Gildon, Hasegawa, Hawkins, Lovelett, Nguyen, Nobles, Randall, Wagoner and Warnick

AN ACT Relating to planning for the prevention of permanent loss of forests in Washington state; adding a new section to chapter 76.04 RCW; and creating a new section.

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

SB 5634 by Senator Carlyle

AN ACT Relating to updating the utilities and transportation commission's regulatory fees; and amending RCW 80.24.010.

Referred to Committee on Environment, Energy & Technology.

SB 5635 by Senators Wilson, J., Hunt, Lovick and Stanford

AN ACT Relating to safety measures for tow truck operators and vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

SB 5636 by Senators Hunt, Kuderer, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to secure automatic voter registration; amending RCW 29A.08.340, 29A.08.350, 46.20.155, 46.20.155, 29A.08.362, 29A.08.365, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.370, 29A.08.375, 29A.08.620, 29A.84.140, 29A.84.140, 46.08.195, 29A.08.630, and 46.20.207; adding new sections to chapter 29A.08 RCW; repealing RCW 46.20.156, 29A.08.355,

29A.08.357, and 29A.08.359; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5637 by Senator Rolfes

AN ACT Relating to increasing forest practices fees to pay for program implementation costs and a new online system for forest practices review; amending RCW 76.09.065; adding a new section to chapter 76.09 RCW; creating a new section; and providing an effective date.

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

SB 5638 by Senators Wagoner and Dhingra

AN ACT Relating to expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist; and amending RCW 18.225.145.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5639 by Senators Wilson, C., Das, Hunt, Nguyen and Saldaña

AN ACT Relating to solitary confinement; amending RCW 72.68.010 and 72.09.015; adding new sections to chapter 72.09 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5640 by Senators Short, Frockt, Conway, Holy, Lovelett, Nguyen, Rolfes, Wagoner and Wilson, L.

AN ACT Relating to updating the motion picture competitiveness program to enhance funding and encourage productions in rural communities; and amending RCW 43.365.020 and 82.04.4489.

Referred to Committee on Business, Financial Services & Trade.

SB 5641 by Senators Short and Wilson, L.

AN ACT Relating to promoting local agriculture through greenhouses; amending RCW 19.27.015 and 19.27.065; and creating a new section.

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

SB 5642 by Senators Mullet, Rivers and Gildon

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5643 by Senators Schoesler, Braun, Dozier, Rivers, Short, Wagoner and Wellman

FIRST DAY, JANUARY 10, 2022

AN ACT Relating to supporting youth development; amending RCW 36.50.010; adding a new section to chapter 15.76 RCW; and creating a new section.

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

SB 5644 by Senators Wagoner and Frockt

AN ACT Relating to providing quality behavioral health co-response services; adding a new section to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5645 by Senators Dhingra, Frockt, Randall, Saldaña, Stanford, Trudeau, Warnick and Wilson, C.

AN ACT Relating to assisted outpatient treatment for persons with behavioral health disorders; amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, and 71.24.045; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, and 71.29.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5646 by Senators Wagoner, Dhingra, Gildon, Lovick, Padden and Wilson, L.

AN ACT Relating to requiring full body scanners at correctional facilities; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5647 by Senators Robinson, Dhingra, Frockt, Hunt, Keiser, Lias, Lovick, Pedersen, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.

AN ACT Relating to fertility services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 5648 by Senators Lias, Gildon, Das, Kuderer, Nguyen, Saldaña and Stanford

AN ACT Relating to accessory dwelling units; and amending RCW 36.70A.697 and 36.70A.698.

Referred to Committee on Housing & Local Government.

SB 5649 by Senators Robinson, Conway, Lovick, Randall and Wilson, C.

AN ACT Relating to modifying the Washington state paid family and medical leave act; amending RCW 50A.05.010, 50A.05.090, 50A.15.020, and 50A.25.020; adding a new section to chapter 50A.15 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5650 by Senators Wilson, J., Fortunato and Wagoner

AN ACT Relating to providing voters with information regarding elections law violations within the voters' pamphlet; and amending RCW 29A.32.031.

Referred to Committee on State Government & Elections.

SB 5651 by Senator Frockt

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.83B.430; amending 2021 c 332 ss 1008, 1014, 1015, 1018, 1021, 1023, 1025, 1036, 1055, 1059, 1063, 1064, 1066, 1068, 1071, 1075, 1048, 1052, 1084, 1085, 1086, 1092, 1094, 1095, 1096, 1097, 1098, 1101, 1104, 1114, 1120, 1121, 1123, 2002, 2006, 2012, 2014, 2016, 2046, 2047, 2048, 2062, 2063, 2065, 2066, 2068, 2069, 2071, 2072, 2075, 2076, 2080, 2082, 2084, 2085, 2086, 2093, 2095, 2104, 2103, 2106, 2107, 3071, 3084, 3086, 3112, 3129, 3130, 3133, 3134, 3136, 3138, 3143, 3147, 3149, 3151, 3154, 3164, 3165, 3168, 3171, 3173, 3178, 3183, 3184, 3185, 3187, 3188, 3189, 3190, 3195, 3197, 3201, 3221, 3229, 3230, 3232, 3253, 3254, 3255, 3273, 3274, 3281, 3292, 3298, 3305, 3306, 3308, 3313, 3317, 3319, 3326, 3328, 5002, 5005, 5010, 5015, 5018, 5019, 5023, 5038, 5039, 5044, 5051, 5054, 5070, 5071, 5093, 5094, 5096, 5101, 5104, 5107, 5111, 5112, 5115, 5153, 5170, 7001, 7002, 7012, 7020, and 7041 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2021 c 332 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5652 by Senators Conway, Rivers, Lovick, Mullet, Muzzall, Short, Van De Wege, Wagoner and Wilson, C.

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5653 by Senators Rolfes, Van De Wege and Warnick

AN ACT Relating to changing the name of the commission on pesticide registration to the commission on integrated pest management; and amending RCW 15.92.090, 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

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

SB 5654 by Senators Robinson, Conway, Frockt, Hasegawa, Keiser, Mullet and Rivers

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption; and amending RCW 82.04.323.

Referred to Committee on Ways & Means.

SB 5655 by Senators Dhingra, Lovick and Wilson, C.

AN ACT Relating to making state hospitals available for short-term detention and involuntary commitment; and adding new sections to chapter 72.23 RCW.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5656 by Senators Salomon, Van De Wege and Wilson, L.

AN ACT Relating to fish and wildlife commission members; and amending RCW 77.04.030 and 43.06.092.

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

SB 5657 by Senators Wellman, Hunt, Gildon, Hasegawa, Mullet, Nguyen, Rivers and Wilson, C.

AN ACT Relating to computer science instruction in state long-term juvenile institutions; adding a new section to chapter 28A.190 RCW; and creating new sections.

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

SB 5658 by Senators Stanford, Das, Hunt, Rivers, Saldaña and Wilson, C.

AN ACT Relating to the recyclability of products and packaging; amending RCW 70A.245.010, 70A.245.020, and 70A.245.030; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5659 by Senators Wellman, Lovelett, Hasegawa, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to establishing climate and labor standards for building materials used in state public works projects; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government & Elections.

SB 5660 by Senators Salomon, Lovelett, Kuderer, Pedersen, Saldaña, Trudeau and Wellman

AN ACT Relating to access to psilocybin services by individuals 21 years of age and older; amending RCW 7.48.310 and 49.60.180; reenacting and amending RCW 69.50.101 and 43.79A.040; adding a new section to chapter 15.130 RCW; adding a new chapter to Title 69 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5661 by Senators Honeyford, Van De Wege, Wagoner and Wilson, L.

AN ACT Relating to the appointment of fish and wildlife commission members; amending RCW 77.04.030; and creating a new section.

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

SB 5662 by Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.

AN ACT Relating to intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.185C RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5663 by Senators Dhingra, Hasegawa, Saldaña, Stanford and Wilson, C.

AN ACT Relating to establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs; adding a new chapter to Title 10 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5664 by Senators Dhingra and Keiser

AN ACT Relating to forensic competency restoration programs; amending RCW 10.77.060, 10.77.068, 10.77.086, 10.77.088, 10.77.220, and 10.77.250; and reenacting and amending RCW 10.77.010.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5665 by Senators Rolfes, Hasegawa, Hunt, Lovelett, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to protecting, restoring, and maintaining habitat for salmon recovery; amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

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

SB 5666 by Senators Liias, Carlyle, Conway, Das, Hunt, Lovelett, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon and Stanford

AN ACT Relating to the authority of publicly owned electric utilities to engage in targeted electrification through the adoption of plans that establish a finding that utility outreach and investment in the conversion of its customers' end use equipment from fossil fuels to electricity will provide net benefits to the utility; amending RCW 35.92.430 and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 35.92 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5667 by Senators Salomon, Hunt, Keiser, Mullet, Van De Wege and Wellman

AN ACT Relating to the possession and use of forged and falsified COVID-19 vaccination documents; adding a new section to chapter 9.38 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

SB 5668 by Senators Lovelett, Liias, Das, Frockt, Lovick, Nguyen, Pedersen, Saldaña, Stanford and Wellman  
AN ACT Relating to modifying the regulation of gas companies to achieve reductions in greenhouse gas emissions; amending RCW 80.28.074, 80.28.385, 80.28.380, 80.28.110, and 80.28.190; adding new sections to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5669 by Senators Liias, Stanford, Das, Lovelett, Nguyen, Pedersen and Saldaña  
AN ACT Relating to strengthening energy codes; amending RCW 19.27A.160, 19.27A.015, and 19.27A.020; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5670 by Senators Das, Kuderer, Frockt, Liias, Lovelett, Mullet, Nguyen, Pedersen, Saldaña and Stanford  
AN ACT Relating to creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030 and 43.21C.495; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Housing & Local Government.

SB 5671 by Senators Stanford, Rivers, Hasegawa, Mullet and Wilson, C.  
AN ACT Relating to the composition of the Washington state liquor and cannabis board; and amending RCW 66.08.012.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5672 by Senators Braun, Brown, Dozier, Fortunato, Honeyford, Mullet, Padden, Rivers, Short, Wagoner, Warnick and Wilson, L.  
AN ACT Relating to long-term services and supports trust premium refunds for deceased individuals with developmentally disabled dependents; and amending RCW 50B.04.080.

Referred to Committee on Health & Long Term Care.

SB 5673 by Senators Braun, Dozier, Gildon, Liias, Mullet, Muzzall, Randall, Van De Wege and Wilson, J.  
AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.42.040, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5674 by Senators Braun, Dozier, Gildon, Holy, Honeyford, Muzzall, Padden, Rivers, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

AN ACT Relating to the graduated reentry program at the department of corrections; amending RCW 9.94A.733; reenacting and amending RCW 9.94A.728; and repealing 2021 c 266 s 3 (uncodified).

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5675 by Senators Braun, Brown, Dozier, Gildon, Holy, Honeyford, McCune, Muzzall, Padden, Short, Van De Wege, Wagoner, Warnick and Wilson, L.

AN ACT Relating to permissible use of force by law enforcement and correctional officers; adding a new section to chapter 10.31 RCW; repealing RCW 10.120.010, 10.120.020, 10.120.030, 43.101.450, and 43.101.490; and repealing 2021 c 324 s 1 (uncodified).

Referred to Committee on Law & Justice.

SB 5676 by Senators Conway, Billig, Gildon, Holy, Hunt, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Pedersen, Randall, Rivers, Robinson, Saldaña, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5677 by Senators Salomon, Pedersen and Kuderer  
AN ACT Relating to enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability, by specifying required practices for complaints, investigations, discipline, and disciplinary appeals for serious misconduct; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5678 by Senators Short, Carlyle, Frockt and Mullet  
AN ACT Relating to energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders; and adding new sections to chapter 19.405 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5679 by Senators Wagoner, Wilson, J., Gildon and Short  
AN ACT Relating to creating the Washington voter confidence act; amending RCW 46.20.155, 46.20.155, and 29A.08.610; reenacting and amending RCW 46.20.202; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on State Government & Elections.

SB 5680 by Senators McCune, Fortunato, Padden, Short, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to restoring the jobs and volunteer positions of individuals who were terminated from employment despite exercising their personal medical and religious rights; and creating new sections.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5681 by Senators McCune, Fortunato, Short, Wilson, J. and Wilson, L.

AN ACT Relating to antibody tests for proof of natural immunity to novel coronavirus COVID-19; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5682 by Senators McCune, Fortunato, Padden, Short, Wilson, J. and Wilson, L.

AN ACT Relating to protecting the freedom to choose whether to receive a COVID-19 vaccination; amending RCW 28A.210.090 and 28A.210.090; adding a new section to chapter 43.70 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5683 by Senators McCune, Fortunato, Padden, Short, Wilson, J. and Wilson, L.

AN ACT Relating to prohibiting the government from requiring proof of vaccination to access public places; adding a new section to chapter 70.01 RCW; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5684 by Senators McCune, Gildon and Wagoner

AN ACT Relating to extraordinary medical placement for individuals at the department of corrections with terminal illnesses; reenacting and amending RCW 9.94A.728; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5685 by Senators Fortunato and Padden

AN ACT Relating to urban growth area boundaries; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5686 by Senators McCune, Padden and Wagoner

AN ACT Relating to improving department of corrections operations and oversight by transferring the office of corrections ombuds to the department of social and health services and designating public safety as the department of corrections highest duty; amending RCW 43.06C.020, 43.06C.040, 43.06C.060, 72.09.010, 9.94A.704, and 43.131.426; adding a new section to chapter 43.06C RCW; creating a new section; and repealing RCW 43.06C.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5687 by Senators Wilson, C., Lias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to certain traffic safety improvements; amending RCW 46.61.415, 46.61.405, 46.63.170, and 46.63.170; reenacting and amending RCW 46.61.250; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5688 by Senators Randall, Rolfes, Das, Dhingra, Frockt, Hunt, Keiser, Lovelett, Pedersen, Robinson, Saldaña, Salomon, Stanford, Trudeau and Wilson, C.

AN ACT Relating to material changes to the operations and governance structure of participants in the health care marketplace; amending RCW 19.390.010, 19.390.020, 19.390.030, 19.390.040, 19.390.050, 19.390.080, and 19.390.070; adding new sections to chapter 19.390 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5689 by Senators Lias, Saldaña, Nguyen and Wilson, C.

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.060, 70A.65.100, and 46.68.280; amending 2021 c 333 ss 101, 103, 105, 107, 109-111, 201-223, 301-303, 305-311, 401-406, and 502-523 (uncodified); adding new sections to 2021 c 333 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5690 by Senators Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner

AN ACT Relating to firearms on the capitol campus for the sole purpose of organized memorial events; and amending RCW 9.41.305.

Referred to Committee on Law & Justice.

SB 5691 by Senators Gildon, Honeyford and Rivers

AN ACT Relating to increasing transparency and accountability regarding prosecutorial filing policies and practices; and adding a new chapter to Title 10 RCW.

Referred to Committee on Law & Justice.

SB 5692 by Senators Gildon, Honeyford, Randall, Rivers and Wagoner

AN ACT Relating to programming at the department of corrections; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5693 by Senators Rolfes, Wilson, L. and Nguyen

AN ACT Relating to fiscal matters; amending RCW 43.31.605, 43.41.450, 43.101.435, 43.216.1368, 43.216.270, 70A.200.140, and 76.04.516; amending 2021 c 334 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151,

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 520, 521, 522, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 704, 705, 715, 718, 753, 801, 802, 803, 805, 907, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 928, 929, 930, 932, 933, 934, 935, 936, 940, 941, 942, 943, 945, 946, 947, 948 (uncodified); adding new sections to 2021 c 334 (uncodified); repealing 2021 c 334 ss 749 and 752 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5694 by Senators Stanford, Robinson and Wilson, C.

AN ACT Relating to recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court; amending RCW 72.09.015, 72.09.050, 72.68.080, 72.68.090, and 72.68.100; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5695 by Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.

AN ACT Relating to the body scanner pilot program at the department of corrections; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5696 by Senators Braun, Brown, Dozier, Gildon, Holy, Honeyford, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

AN ACT Relating to repealing the capital gains income tax; creating a new section; repealing RCW 82.87.010, 82.87.020, 82.87.030, 82.87.040, 82.87.050, 82.87.060, 82.87.070, 82.87.080, 82.87.090, 82.87.100, 82.87.110, 82.87.120, 82.87.130, 82.87.140, 82.04.4497, and 82.87.150; and repealing 2021 c 196 ss 18 and 20 (uncodified).

Referred to Committee on Ways & Means.

SB 5697 by Senators Das, Rolfes, Kuderer, Lovelett, Lovick, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to renewing Washington's recycling system and reducing waste; amending RCW 70A.245.010, 70A.245.020, 70A.245.030, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.040, 81.77.160, and 81.77.185; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5698 by Senators Hunt, Keiser, Dhingra, Gildon, Lovick, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.

AN ACT Relating to cost-of-living adjustments for plan 1 retirees of the teachers' retirement system and public employees' retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5699 by Senators Conway and Stanford

AN ACT Relating to quality standards for laboratories conducting cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5700 by Senators Conway, Muzzall, Rivers and Wilson, C.

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Ways & Means.

SB 5701 by Senators Nguyen, Frockt, Hasegawa and Wilson, C.

AN ACT Relating to determining monthly wages for workers' compensation; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5702 by Senators Trudeau, Dhingra, Lovelett, Lovick, Nguyen, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.

AN ACT Relating to requiring coverage for donor breast milk; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 5703 by Senators Das, Cleveland, Kuderer, Lovelett, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau and Wellman

AN ACT Relating to the use and disclosure of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5704 by Senators Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Holy, Hunt, Keiser, Lovelett, Lovick, Robinson, Saldaña, Stanford and Wilson, C.

AN ACT Relating to requiring health carriers to reimburse advanced registered nurse practitioners at the same rate as physicians for the same services; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5705 by Senators Kuderer, Liias, Mullet and Saldaña

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor; adding a new section to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5706 by Senators Saldaña, Frockt, Hasegawa, Nguyen, Stanford and Wilson, C.

AN ACT Relating to the creation of the community reinvestment account and community reinvestment program; amending RCW 69.50.540, 43.84.092, and 43.84.092; adding a new section to chapter 43.79 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5707 by Senators Saldaña, Pedersen and Nguyen

AN ACT Relating to extending additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety; amending RCW 46.63.170; amending 2020 c 224 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Transportation.

SB 5708 by Senators Stanford, Liias and Lovelett

AN ACT Relating to the unlawful trade of fur products; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5709 by Senator Padden

AN ACT Relating to attenuation exceptions to the exclusionary evidence rule; adding a new section to chapter 10.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5710 by Senators Padden and Wilson, L.

AN ACT Relating to reducing contamination in the state toxicology laboratory; and amending RCW 43.43.670.

Referred to Committee on Law & Justice.

SB 5711 by Senator Padden

AN ACT Relating to repealing an unconstitutional ban on contracting with private prisons in the state of Washington pursuant to the 9th circuit ruling in *The Geo Group v. Newsom*; and repealing RCW 70.395.010, 70.395.020, 70.395.030, 70.395.900, and 70.395.901.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5712 by Senator Hasegawa

AN ACT Relating to the transparency of local taxing districts; amending RCW 19.29A.030; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW;

adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 57.02 RCW; adding a new section to chapter 35.92 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5713 by Senators Das, Liias, Robinson, Saldaña and Wellman

AN ACT Relating to providing a property tax exemption for limited equity cooperative housing; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5714 by Senators Carlyle, Liias, Gildon, Lovelett, Mullet, Nguyen and Rolfes

AN ACT Relating to creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SB 5715 by Senators Wellman, Sheldon, Randall and Wilson, C.

AN ACT Relating to modifying the definition of broadband or broadband service; amending RCW 43.330.530; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5716 by Senators Brown, Dhingra, Braun, Dozier, Hasegawa, Kuderer, Randall, Rolfes, Saldaña, Trudeau, Van De Wege, Wellman, Wilson, J. and Wilson, L.

AN ACT Relating to requiring coverage for magnetic resonance imaging for women at high risk of developing breast cancer; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5717 by Senators Stanford and Randall

AN ACT Relating to compost products; amending RCW 39.30.040 and 70A.455.090; adding new sections to chapter 43.19A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5718 by Senators Conway, Lovick and Wilson, C.

AN ACT Relating to insurance benefits for retired or disabled school employees; and amending RCW 41.05.011, 41.05.022, 41.05.080, and 41.05.740.

Referred to Committee on Ways & Means.

SB 5719 by Senators Mullet and Gildon

AN ACT Relating to dual credit costs; reenacting and amending RCW 28A.600.310; adding a new section to chapter 28A.600 RCW; creating a new section; and providing an effective date.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

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

SB 5720 by Senators Mullet, Frockt, Gildon, Nguyen and Randall

AN ACT Relating to student financial literacy education; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; and providing expiration dates.

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

SB 5721 by Senators Van De Wege and Salomon

AN ACT Relating to consolidating natural resource management under the commissioner of public lands; amending RCW 43.17.020, 43.30.105, 77.04.013, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.75.040, 79A.05.015, 79A.05.070, 79A.05.075, 77.04.012, 77.04.060, 77.04.080, 77.04.090, 77.04.130, 77.04.140, 77.04.150, 77.08.010, 77.08.020, 77.08.022, 77.08.030, 77.12.010, 77.12.020, 77.12.035, 77.12.037, 77.12.045, 77.12.047, 77.12.077, 77.12.085, 77.12.140, 77.12.150, 77.12.152, 77.12.170, 77.12.210, 77.12.220, 77.12.275, 77.12.285, 77.12.320, 77.12.325, 77.12.330, 77.12.420, 77.12.455, 77.12.560, 77.12.570, 77.12.722, 77.12.760, 77.12.800, 77.15.065, 77.15.096, 77.15.120, 77.15.130, 77.15.135, 77.15.245, 77.15.382, 77.15.395, 77.15.420, 77.15.425, 77.15.460, 77.15.520, 77.15.522, 77.15.530, 77.15.554, 77.15.590, 77.15.700, 77.15.710, 77.15.720, 77.18.060, 77.32.007, 77.32.010, 77.32.025, 77.32.050, 77.32.070, 77.32.090, 77.32.155, 77.32.237, 77.32.370, 77.32.430, 77.32.440, 77.32.450, 77.32.470, 77.32.500, 77.32.525, 77.32.530, 77.32.535, 77.32.550, 77.32.560, 77.32.565, 77.32.570, 77.36.030, 77.36.100, 77.36.110, 77.36.130, 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.090, 77.50.100, 77.50.110, 77.55.191, 77.60.020, 77.60.030, 77.60.100, 77.65.480, 77.65.590, 77.65.610, 77.70.450, 77.70.460, 77.70.470, 77.70.510, 77.75.020, 77.75.100, 77.75.140, 77.95.020, 77.95.090, 77.95.100, 77.95.320, 77.100.060, 77.100.080, 77.105.020, 77.115.010, 79A.05.010, 79A.05.025, 79A.05.030, 79A.05.040, 79A.05.175, 79A.05.178, and 79A.05.180; adding a new section to chapter 77.04 RCW; and creating a new section.

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

SB 5722 by Senators Nguyen, Liias, Lovelett, Pedersen, Saldaña and Stanford

AN ACT Relating to reducing greenhouse gas emissions in buildings; amending RCW 19.27A.200; adding new sections to chapter 19.27A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5723 by Senators Rivers, Keiser and Lovick

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health & Long Term Care.

SB 5724 by Senator Mullet

AN ACT Relating to organ transport vehicles; amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5725 by Senator Mullet

AN ACT Relating to powers of the legislative committee on economic development and international relations; and amending RCW 43.15.070.

Referred to Committee on Business, Financial Services & Trade.

SB 5726 by Senators Randall, Holy, Conway, Lovick, Robinson, Rolfes and Wilson, C.

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Ways & Means.

SB 5727 by Senators Rolfes, Dhingra, Frockt, Lovelett, Pedersen and Stanford

AN ACT Relating to protecting, restoring, and maintaining habitat for salmon recovery; amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

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

SB 5728 by Senators Holy and Dhingra

AN ACT Relating to the state's portion of civil asset forfeiture collections; and amending RCW 69.50.505.

Referred to Committee on Ways & Means.

SB 5729 by Senators Nguyen, Das, Hasegawa, Kuderer, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.

AN ACT Relating to creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits; and amending RCW 74.08.080 and 74.09.741.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5730 by Senators Randall, Das, Lovelett, Saldaña, Trudeau and Wilson, C.

AN ACT Relating to confidentiality rights of child victims and witnesses; and amending RCW 7.69A.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5731 by Senators Das, Lovelett, Nguyen, Saldaña and Stanford

AN ACT Relating to organic materials management; amending RCW 70A.205.040, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010, 70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, and 70A.455.100; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding new sections to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5732 by Senators Das, Lovelett, Nguyen and Saldaña  
AN ACT Relating to green roofs on large commercial and multifamily buildings; adding new sections to chapter 19.27A RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5733 by Senators Padden and Hasegawa  
AN ACT Relating to civil asset forfeiture; and amending RCW 69.50.505.

Referred to Committee on Law & Justice.

SB 5734 by Senators Dhingra, Lovick, Wellman and Wilson, C.  
AN ACT Relating to student physical education and health requirements; and amending RCW 28A.230.050 and 28A.230.090.

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

SB 5735 by Senators Dhingra, Lovick, Wellman and Wilson, C.  
AN ACT Relating to counting asynchronous instructional hours towards those required by the instructional program of basic education; and amending RCW 28A.150.205, 28A.150.220, and 28A.195.010.

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

SB 5736 by Senators Frockt, Dhingra, Conway, Hasegawa, Honeyford, Keiser, Kuderer, Lovelett, Lovick, Nobles, Randall, Salomon and Stanford  
AN ACT Relating to partial hospitalizations and intensive outpatient treatment services for minors; reenacting and amending RCW 71.24.385; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5737 by Senators Wilson, L., Brown, Gildon, Hawkins, Holy, Short and Wilson, J.  
AN ACT Relating to suspending premium assessments for pending exemption applications for the long-term services and supports trust program; amending RCW 50B.04.085; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5738 by Senator Fortunato  
AN ACT Relating to expanding vehicle licensing options to include quarterly or semiannual registrations; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

SB 5739 by Senators Fortunato, Salomon and Wagoner  
AN ACT Relating to providing funds primarily for the cleanup of large debris litter along state highways; amending RCW 70A.205.430; and adding new sections to chapter 70A.205 RCW.

Referred to Committee on Transportation.

SB 5740 by Senators Fortunato and Wilson, L.  
AN ACT Relating to a temporary adjustment to the waste reduction, recycling, and litter control account to increase funds for state highway litter control activities; and amending RCW 70A.200.140.

Referred to Committee on Ways & Means.

SB 5741 by Senators Lovick, Pedersen, Conway, Saldaña, Wellman and Wilson, C.  
AN ACT Relating to creating Patches pal special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5742 by Senator Honeyford  
AN ACT Relating to stormwater control facilities and county jurisdiction; and amending RCW 36.89.050 and 36.89.080.

Referred to Committee on Housing & Local Government.

SB 5743 by Senator Honeyford  
AN ACT Relating to designating kratom as a controlled substance; amending RCW 69.50.204; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5744 by Senators Nguyen, Carlyle, Conway, Das, Kuderer, Mullet, Pedersen, Saldaña and Trudeau  
AN ACT Relating to tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage; amending RCW 82.08.816 and 82.12.816; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

SB 5745 by Senators Liias, Keiser, Conway and Wilson, C.  
AN ACT Relating to increasing the personal needs allowance for persons receiving state financed care; and amending RCW 74.09.340.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

Randall, Rivers, Salomon, Stanford, Wellman and Wilson, C.

SB 5746 by Senators Warnick and Stanford

AN ACT Relating to drought preparedness, response, and funding; amending RCW 43.83B.415, 43.83B.430, and 90.86.030; and adding new sections to chapter 43.83B RCW.

AN ACT Relating to the creation of the Washington future fund trust fund program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.

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

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5747 by Senators Stanford, Muzzall, Frockt and Wilson, C.

AN ACT Relating to the statewide master oil and hazardous substance spill prevention and contingency plan; and amending RCW 90.56.060.

SB 5753 by Senators Robinson and Lovick

AN ACT Relating to enhancing the capacity of health profession boards, commissions, and advisory committees; amending RCW 18.32.0351, 18.32.0355, 18.52.040, 18.52.050, 18.74.020, 18.74.027, 18.92.021, 18.92.040, 18.108.020, 18.83.035, 18.83.045, 18.83.051, 18.64.001, 18.64.003, 18.64.005, 18.64.310, 18.59.120, 18.30.050, 18.30.060, 18.36A.150, 18.54.030, 18.54.060, 18.54.130, 18.35.150, 18.57.003, 18.57.003, 18.22.014, 18.200.060, 18.25.0165, 18.79.070, and 18.71.015; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.59 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

Referred to Committee on Health & Long Term Care.

SB 5748 by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Ways & Means.

SB 5754 by Senators Robinson, Stanford and Wilson, C.

AN ACT Relating to allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request; and amending RCW 18.73.030.

SB 5749 by Senators Trudeau, Salomon, Hasegawa and Wilson, C.

AN ACT Relating to rent payments made by residential tenants; amending RCW 59.18.063; and reenacting and amending RCW 59.18.230.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Housing & Local Government.

SB 5755 by Senators Trudeau, Billig, Saldaña and Wellman

AN ACT Relating to authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of vacant lands in urban areas; adding a new chapter to Title 82 RCW; and providing expiration dates.

SB 5750 by Senators Wilson, C. and Kuderer

AN ACT Relating to designating the Washington state leadership board a trustee of the state of Washington; amending RCW 43.15.030, 43.15.020, 43.15.095, and 43.15.100; reenacting and amending RCW 46.68.420; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.15.030, 43.15.040, and 43.15.100; and providing an effective date.

Referred to Committee on Housing & Local Government.

Referred to Committee on State Government & Elections.

SB 5756 by Senators Hunt, Muzzall and Conway

AN ACT Relating to establishing the semiquincentennial committee; and creating new sections.

SB 5751 by Senators Robinson, Keiser, Conway, Dhingra, Hasegawa, Hunt, Kuderer, Liias, Nguyen, Pedersen, Randall, Saldaña, Stanford and Wilson, C.

AN ACT Relating to improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new chapter to Title 49 RCW; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); and prescribing penalties.

Referred to Committee on State Government & Elections.

SB 5757 by Senator Gildon

AN ACT Relating to adjusting the real estate excise tax rate for multifamily residential properties; amending RCW 82.45.060; and creating new sections.

Referred to Committee on Labor, Commerce & Tribal Affairs.

Referred to Committee on Housing & Local Government.

SB 5758 by Senators Gildon and Rivers

AN ACT Relating to condominium conversions; adding a new section to chapter 43.180 RCW; and creating new sections.

SB 5752 by Senators Trudeau, Lovick, Das, Dhingra, Frockt, Hasegawa, Keiser, Liias, Lovelett, Nguyen, Pedersen,

Referred to Committee on Housing & Local Government.

SB 5759 by Senators Gildon and Rivers

AN ACT Relating to increasing involvement of private housing developers in the nine percent low-income housing tax credit program; and creating new sections.

Referred to Committee on Housing & Local Government.

SB 5760 by Senators Wellman, Frockt, Conway, Keiser, Liias, Lovelett, Nguyen, Rolfes, Short and Wilson, C.

AN ACT Relating to updating and expanding the motion picture competitiveness program; amending RCW 43.365.005, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified).

Referred to Committee on Business, Financial Services & Trade.

SB 5761 by Senators Randall, Keiser, Nguyen, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to employer requirements for providing wage and salary information to applicants for employment; and amending RCW 49.58.110.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5762 by Senators Wagoner and Lovick

AN ACT Relating to creating the purple star award; and adding a new section to chapter 28A.625 RCW.

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

SB 5763 by Senators Randall, Sheldon, Lovelett, Nguyen, Saldaña, Wellman and Wilson, C.

AN ACT Relating to eliminating subprevailing wage certificates for individuals with disabilities; and repealing RCW 39.12.022.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5764 by Senators Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Liias, Nguyen, Saldaña, Wellman, Wilson, C. and Wilson, J.

AN ACT Relating to apprenticeships and higher education; amending RCW 28B.92.030 and 49.04.150; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SJM 8006 by Senators Hasegawa, Hunt, Nguyen, Saldaña and Stanford

Concerning a national infrastructure bank.

Referred to Committee on Business, Financial Services & Trade.

SJM 8007 by Senators Brown and Short

Concerning the management of spent nuclear fuel.

Referred to Committee on Environment, Energy & Technology.

SJR 8209 by Senators Wilson, L., Braun, Brown, Rivers, Short and Warnick

Amending Article I, section 20 of the Washington state Constitution.

Referred to Committee on Law & Justice.

SJR 8210 by Senators Das, Lovelett, Liias, Rolfes, Saldaña, Stanford and Wilson, C.

Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.

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

SJR 8211 by Senator Fortunato

Amending the state Constitution so that state revenue collected from a road usage charge, vehicle miles traveled fee, or other similar type of comparable charge, must be used exclusively for highway purposes.

Referred to Committee on Transportation.

SCR 8404 by Senators Pedersen, Short and Wilson, C.

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

Placed on 2<sup>nd</sup> Reading Calendar.

#### SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4405 by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

Placed on 2<sup>nd</sup> Reading Calendar.

HCR 4406 by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

Placed on 2<sup>nd</sup> Reading Calendar.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report and supplemental Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5508 which had been designated to the Committee on Business, Financial Services & Trade and was referred to the Committee on Health & Long Term Care; Senate Bill No. 5509 which had been designated to the Committee on Health & Long Term Care and was referred to the Committee on Law & Justice; Senate Bill No. 5556 which had been designated to the Committee on Business, Financial Services & Trade and was referred to the Committee on Housing & Local Government; Senate Bill No. 5586 which had been designated to the Committee on Environment, Energy & Technology and was referred to the Committee on Business, Financial Services & Trade; Senate Bill No. 5688 which had been designated to the Committee on Health & Long Term Care and was referred to the Committee on Law & Justice; and Senate Bill No. 5688 which had been designated to the Committee on Law &

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

Justice and was referred to the Committee on Human Services, Reentry & Rehabilitation.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439;  
 SUBSTITUTE SENATE BILL NO. 5444;  
 SENATE CONCURRENT RESOLUTION NO. 8403.

On motion of Senator Pedersen, the measures listed on the following document entitled "2022 Legislative Session Bill Disposition List" were referred to the committees as designated.

MOTION

2022 LEGISLATIVE SESSION BILL DISPOSITION LIST  
 1/10/2022

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

The following bills are moved to the Committee on Labor, Commerce & Tribal Affairs:

SECOND READING

SUBSTITUTE SENATE BILL NO. 5064;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5065.

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen, Short and C. Wilson

The following bills are moved to the Committee on Transportation:

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

SUBSTITUTE SENATE BILL NO. 5085;  
 SUBSTITUTE SENATE BILL NO. 5332;  
 SUBSTITUTE SENATE BILL NO. 5406.

The measure was read the second time.

MOTION

The following bill was moved to the Committee on Housing & Local Government:

SUBSTITUTE SENATE BILL NO. 5342.

On motion of Senator Pedersen, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The following bill was moved to the Subcommittee on Behavioral Health:

SUBSTITUTE SENATE BILL NO. 5412;

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8404.

The following bills are moved to the Committee on Rules, Senate Rules 2:

SENATE BILL NO. 5002;  
 SENATE BILL NO. 5042;  
 SENATE BILL NO. 5078;  
 SENATE BILL NO. 5079;  
 SENATE BILL NO. 5089;  
 SENATE BILL NO. 5129;  
 SENATE BILL NO. 5130;  
 SENATE BILL NO. 5155;  
 SENATE BILL NO. 5170;  
 SENATE BILL NO. 5182;  
 SENATE BILL NO. 5326;  
 SENATE BILL NO. 5329;  
 SENATE BILL NO. 5340;  
 SENATE BILL NO. 5375;  
 SENATE BILL NO. 5428.

SENATE CONCURRENT RESOLUTION NO. 8404 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

The measure was read the second time.

MOTION

The following bills are moved to the Committee on Rules, Senate Rules X:

SUBSTITUTE SENATE BILL NO. 5004;  
 SUBSTITUTE SENATE BILL NO. 5035;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5074;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5083;  
 SUBSTITUTE SENATE BILL NO. 5125;  
 SECOND SUBSTITUTE SENATE BILL NO. 5147;  
 SENATE BILL NO. 5187;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5191;  
 ENGROSSED SENATE BILL NO. 5232;  
 SENATE BILL NO. 5242;  
 SECOND SUBSTITUTE SENATE BILL NO. 5265;  
 SUBSTITUTE SENATE BILL NO. 5288;  
 SUBSTITUTE SENATE BILL NO. 5292;  
 SUBSTITUTE SENATE BILL NO. 5294;  
 SENATE BILL NO. 5300;  
 SECOND SUBSTITUTE SENATE BILL NO. 5327;  
 ENGROSSED SENATE BILL NO. 5328;  
 SENATE BILL NO. 5352;  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5357;  
 SUBSTITUTE SENATE BILL NO. 5417;

On motion of Senator Pedersen, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4405.

HOUSE CONCURRENT RESOLUTION NO. 4405 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406 having received a majority was adopted by voice vote.

#### MOTION

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

#### MESSAGE FROM OTHER STATE OFFICERS

January 10, 2022

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

For your information, the following reports have been submitted by the various agencies, departments, and taskforces and received by the Office of the Secretary of the Senate since the close of the previous session:

**Agriculture, Department of** - *“Pesticide Management Division 2021 Report”*, pursuant to 15.58.420 RCW; *“Electronic Cattle Transaction Reporting System, 2021 Report”*, pursuant to 16.57.450 RCW; *“Food Policy Forum Work Plan 2019-2021”*, pursuant to 43.01.036 RCW; *“Livestock Identification Program Annual Report 2021”*, pursuant to 16.57.460 RCW; *“Pollinator Health Task Force SB5253 Implementation Plan”*, in accordance with Senate Bill No. 5253; *“Protection of Pollinator Health: Pollinators and Neonicotinoids”*, pursuant to 17.21.445 RCW;

**Beef Commission, Washington State** - *“Beef Commission 2021-22 Annual Report”*, pursuant to 16.67 RCW;

**Board of Education** - *“Charter Schools Annual Report 2019-2020”*, pursuant to 28A.710.250 RCW;

**Center for Economic and Business Research** - *“Washington State Outdoor School Study”*, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Children, Youth, and Families, Department of** - *“Children and Youth Behavioral Health Work Group Final Recommendations”*, in accordance with Second Substitute House Bill No. 2737; *“Dual License Pilot Project Status Update Report”*, in accordance with House Bill No. 2619;

**Commerce, Department of** - *“Washington State Child Care Access Strategy Report”*, in accordance with Second Substitute House Bill No. 1344; *“Nontraditional Worker Study”*, in accordance with Senate Bill No. 6168; *“Resource Adequacy Meeting Summary from May 11, 2021”*, pursuant to 19.280.065 RCW; *“Hanford Healthy Energy Workers - Healthcare Needs Assessment and Recommendations”*, in accordance with Engrossed Substitute Senate Bill No. 6168; *“Biennial Report of the Statewide Reentry Council”*, pursuant to 43.380.050 RCW; *“State Surplus Property Program 2021 Annual Report”*, pursuant to 43.63A.510 RCW; *“2021 Impact Fee Deferral Report”*, pursuant to 43.31.980 RCW;

**Community & Technical Colleges, State Board for (SBCTC)** - *“SSH 2513 - Transcript Withholding and Limiting the Practice of Registration Holds as Debt Collection Practices”*, in accordance with Second Substitute House Bill No. 2513;

*“2SHB 1893 - Student Emergency Assistance Grant (SEAG) Program Report 2021”*, in accordance with Second Substitute House Bill No. 1893; *“SB 5022 - Notification to Students Regarding Education Loans”*, in accordance with Senate Bill No. 5022;

**Corrections, Department of** - *“Secure Internet Connections for the Purpose of Postsecondary Education and Training of Incarcerated Individuals”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Graduated Reentry, Participation Eligibility, 2021 Report”*, in accordance with Engrossed Substitute Senate Bill No. 5121; *“Extraordinary Medical Placement (EMP) Report for 2019”*, pursuant to 72.09.620 RCW; *“Extraordinary Medical Placement (EMP) Report for 2020”*, pursuant to 72.09.620 RCW;

**Court Research, Washington State Center for** - *“Dependent Children in Washington State: Case Timeliness and Outcomes, 2020 Annual Report”*, pursuant to 13.34.820 RCW;

**Ecology, Department of** - *“Cleanup Settlement Account Annual Report, FY2021”*, pursuant to 70A.305.130 RCW; *“Statewide Progress on Setting Instream Flows”*, pursuant to 90.82.080 RCW; *“Levels of Nonnutritive Substances in Fertilizers, 2021 Report”*, pursuant to 15.54.433 RCW; *“Brownfield Redevelopment Trust Fund (BRTF) Account Report”*, pursuant to 70A.305.140 RCW; *“End-of-life Refrigerant Management Program Report”*, in accordance with Engrossed Second Substitute House Bill No. 1050; *“Cannabis Science Task Force Recommendations - Cannabis Laboratory Quality Standards and Proficiency Testing”*, pursuant to 43.21A.735 RCW; *“Plastic Packaging Stakeholder Advisory Committee Report”*, in accordance with Engrossed Second Substitute Senate Bill No. 5022; *“Synopsis of Changing Vessel Traffic Trends”*, in accordance with Engrossed Substitute House Bill No. 1578; *“Low-Carbon Energy Project Siting Improvement Interim Report”*, in accordance with Engrossed Third Substitute House Bill No. 1091;

**Education, Washington State Board of** - *“High School Graduation Requirements Emergency Waiver Program: Graduation Class of 2021”*, pursuant to 28A.230.320 RCW; *“Mastery-based Learning in Washington State, 2021 Report”*, in accordance with Substitute Senate Bill No. 5249; *“Mastery-based Learning in Washington State, 2021 Report, Graphic Summary”*, in accordance with Substitute Senate Bill No. 5249;

**Employment Security Department** - *“Upgrading the Unemployment Insurance Call Center Phone System Report, June 2021”*, pursuant to 50.12.210 RCW; *“ESSB 5193 Annual Report on Reserve Adjudicator Training”*, in accordance with Engrossed Substitute Senate Bill No. 5193; *“Training Benefits Program 2021 Report”*, pursuant to 50.22.157 RCW; *“Net Impact Study for the Training Benefits Program 2002 through 2016 (Technical Report)”*, pursuant to 50.22.157 RCW; *“Net Impact Study for the Training Benefits Program 2002 through 2016 (Plain Talk)”*, pursuant to 50.22.157 RCW; *“Financial Services Report to the Legislature and Governor”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Unemployment Insurance Staffing Report”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“ESSB 5193 Quarterly Report”*, in accordance with Engrossed Substitute Senate Bill No. 5193; *“Employment Security Department Program Needs and Resources Report”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Washington Paid Family & Medical Leave Annual Report 2020”*, pursuant to 50A.05.050 RCW; *“Integrating Paid Family & Medical Leave and Help Me Grow Washington Services Report”*, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Enterprise Services, Department of** - *“Energy Services Proposal for Washington State Supreme Court Temple of Justice,”*

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

*Phase I*", in accordance with Substitute House Bill No. 1080; "2020 Biodiesel Use Transmittal Letter", pursuant to 43.19.646 RCW; "2020 Biodiesel Use Report by Washington State Agencies, January through December 2020", pursuant to 43.19.646 RCW; "Local Government Public Works Contracting Report, June 2021", in accordance with Engrossed Substitute Senate Bill No. 5418; "2019-21 Department of Enterprise Services Voluntary Separation and Retirement Outcome Report", in accordance with Engrossed Substitute House Bill No. 1109; "Facility Professional Services - FY2020 Engineering & Architectural Services Staffing Report", in accordance with Substitute House Bill No. 1102; "Campus-wide Electrical Service Panels -- Arc Flash Study Transmittal Letter, June 2021", in accordance with Substitute House Bill No. 1102; "Campus-wide Electrical Panel -- Arc Flash Study Executive Summary, June 2021", in accordance with Substitute House Bill No. 1102; "IT Contracts Report - Biodiesel Use by Washington State Agencies, July-December 2015", in accordance with Engrossed Substitute Senate Bill No. 5092;

**Financial Management, Office of** - "One Washington's Quarterly Report, January - March 2021", in accordance with Substitute Senate Bill No. 5883; "Everett Community College Voluntary Separation Incentive Program Closing Report", in accordance with Engrossed Substitute House Bill No. 1109; "Wenatchee Valley College Voluntary Separation and Retirement Outcome 2019-21 Report", in accordance with Engrossed Substitute House Bill No. 1109; "Peninsula College Voluntary Separation and Retirement Outcome 2019-21 Report", in accordance with Engrossed Substitute House Bill No. 1109; "Seattle Colleges District VI Voluntary Separation Program Final Report", in accordance with Engrossed Substitute House Bill No. 1109; "Department of Licensing 2019-21 Voluntary Separation and Retirement Outcome Biennial Report", in accordance with Engrossed Substitute House Bill No. 1109; "Community Colleges of Spokane Voluntary Separation Incentive Program Agency Report Form", in accordance with Engrossed Substitute House Bill No. 1109; "Community Colleges of Spokane Voluntary Separation Incentive Program Closing Report Amendment", in accordance with Engrossed Substitute House Bill No. 1109; "Washington Center for Real Estate Research at the University of Washington (WCRER) Housing Market Data Toolkit Cover Letter", pursuant to 36.70A.610 RCW; "Washington Center for Real Estate Research at the University of Washington (WCRER) Housing Market Data Toolkit Report", pursuant to 36.70A.610 RCW; "Department of Social and Health Services 2019-21 Voluntary Separation and Retirement Outcome Report", in accordance with Engrossed Substitute House Bill No. 1109; "Liquor and Cannabis Board 2019-21 Voluntary Separation Quarterly Report - April 1, 2021 - June 30, 2021", in accordance with Engrossed Substitute House Bill No. 1109; "Military Department 2019-21 Voluntary Separation and Retirement Outcome Report", in accordance with Engrossed Substitute House Bill No. 1109;

**Fish and Wildlife, Department of** - "Development of a Statewide Fish Passage Barrier Removal Strategy Biennial Report, June 2021", pursuant to 77.95.160 RCW; "Fish Passage Proviso Biennial Report Cover Letter", pursuant to 77.95.160 RCW; "Mission Ridge Report, June 2021", in accordance with Engrossed Substitute Senate Bill No. 6168; "Eastern Washington Pheasant Enhanced Program Annual Report", pursuant to 77.12.820 RCW; "Hunter and Fisher Compliance with Harvest Reporting and the Administrative Penalties Assessed - Annual Report 2021", pursuant to 77.32.070 RCW;

**Gender and Justice Commission, Washington Courts** - "Civil Protection Orders: E2SHB 1320 Stakeholder Group

*Recommendations to Support Access and Safety*", in accordance with Engrossed Second Substitute House Bill No. 1320;

**Health Care Authority** - "Substance Use Recovery Services Plan - Progress Report", in accordance with Engrossed Senate Bill No. 5476; "Inpatient Hospital Certified Public Expenditure (CPE) Program", in accordance with Engrossed Substitute Senate Bill No. 5092; "County Appropriations: Criminal Justice Treatment Account (CJTA) Administration", in accordance with Engrossed Substitute Senate Bill No. 5092; "Health and Human Services Enterprise Coalition Information Technology (IT) Investment Coordination Annual Report", in accordance with Engrossed Substitute Senate Bill No. 5092; "Federal Funding of Treatment in Mental Health Institutions", in accordance with Engrossed Substitute Senate Bill No. 5092; "Access to Baby and Child Dentistry Program (ABCD) - Implementation Progress Report", in accordance with Engrossed Substitute Senate Bill No. 5092; "Protocols for Designated Crisis Responders (DCRs) - 2020 Update", pursuant to 71.05.214 RCW; "Family Initiated Treatment (FIT) Expansion Survey Results Impact", in accordance with Engrossed Second Substitute House Bill No. 1874; "Behavioral and Physical Health Integration - Integration Savings", in accordance with Engrossed Substitute House Bill No. 1109; "UPDATE: Children & Youth Behavioral Health Work Group Final Recommendations", in accordance with Second Substitute House Bill No. 2737 and pursuant to 74.09.4951 RCW; "High THC Concentration Cannabis Policy - Initial Report", in accordance with Engrossed Substitute Senate Bill No. 5092; "Behavioral Health Consultation and Referral Services - Annual Report", in accordance with Second Substitute House Bill No. 1325; "Service Coordination Organization and Managed Care Performance Measure Report", in accordance with Substitute Senate Bill No. 5147; "Opioid Overdose Reversal Medication Bulk Purchasing and Distribution Program - Preliminary Progress Report", in accordance with Second Substitute Senate Bill No. 5195; "Access to Behavioral Health Services for Children", in accordance with Engrossed Second Substitute Senate Bill No. 5432 and pursuant to 74.09.495 RCW; "Proportion of Non-Participating Providers Serving Apple Health Enrollees - Annual Report: July 1, 2020 - June 30, 2021", in accordance with House Bill No. 1652 and pursuant to 74.09.522 RCW; "PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plans", in accordance with Second Engrossed Senate Bill No. 5773 and pursuant to 41.05.065 RCW; "Community Re-Entry Operations Workgroup Progress Report", in accordance with Engrossed Second Substitute Senate Bill No. 5304; "Employment Status of Washington Apple Health (Medicaid) Care Clients and Non-Client Individuals with Dependents Who are Medicaid Clients", in accordance with Engrossed Substitute House Bill No. 3079; "Foundational Community Supports Housing Subsidy Program", in accordance with Engrossed Substitute Senate Bill No. 5092; "PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plans", pursuant to 41.05.065 RCW; "Medicaid Transformation Project Demonstration Quarterly Report, Year 5, Quarter 3", in accordance with Engrossed Substitute Senate Bill No. 5092; "Behavioral Health Assessment and Diagnosis For Infants and Children, 2020 Report", in accordance with Engrossed Substitute Senate Bill No. 6168; "Community Behavioral Health Revenue and Expenditure Report, June 2021", in accordance with Engrossed Substitute Senate Bill No. 6168; "Medicaid Transformation Project Demonstration, Quarterly Report January 1 - March 31, 2021", in accordance with Substitute Senate Bill No. 5883; "Jail Transition Services, December 2020

*Report*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Maple Valley Community Resource Coordinator Pilot Project Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Connecting Medicaid Dental Clients to Services Report*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Access to Baby and Child Dentistry (ABCD) Report*”, in accordance with Substitute Senate Bill No. 5976; “*Washington State All-Payer Claims Database Grant Activity Report (July 2020 - June 2021)*”, in accordance with Engrossed Substitute Senate Bill No. 5741; “*Public Employees Benefits Board Annual Report - Customer Service Complaints and Appeals*”, in accordance with Substitute Senate Bill No. 6584; “*Medicaid Managed Care Preventive Services and Vaccinations*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Dr. Robert Bree Collaborative Annual Report for 2021*”, in accordance with Engrossed Substitute House Bill No. 1311; “*Medicaid Transformation Project Demonstration Quarterly Report January 1 - March 31, 2021/ Medicaid Quality Improvement Program (MQIP) Report/ Accountable Communities of Health (ACH) Activities Report*”, in accordance with Substitute Senate Bill No. 5883; “*Program Integrity Action Report - Update on the Centers for Medicare and Medicaid Services Recommendations*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*SEBB Program: Variable Waivers and Other Reporting Requirements*”, in accordance with Engrossed Substitute Senate Bill No. 6189; “*Oral Health Connections Pilot Project Results*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Medicaid Transformation Project Demonstration Quarterly Report April 1 - June 30, 2021/ Medicaid Quality Improvement Program Report/ Accountable Communities of Health Activities Report*”, in accordance with Substitute Senate Bill No. 5883; “*Extending Continuous Enrollment through Section 1115 Medicaid Demonstration Waiver*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Contracting with the King County BH-ASO to maintain Children's Crisis Outreach Response System (CCORS) services previously funded through the Department of Children, Youth and Families*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Health Care Cost Transparency Board Report*”, in accordance with Second Substitute House Bill No. 2457; “*Complex Treatment Needs of Persons with Opioid Use Disorder*”, in accordance with Substitute Senate Bill No. 5380; “*Apple Health - Postpartum Coverage*”, in accordance with Substitute Senate Bill No. 5068;

**Health Insurance Pool, Washington State (WSHIP) -** “*Annual Report for 2020*”, pursuant to 48.41.240 RCW;

**Health, Department of -** “*Charity Care in Washington Hospitals, Report for 2019*”, pursuant to 70.170 RCW; “*Long-term Care Workforce Development Final Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Fruit and Vegetable Incentives Program Progress Report, July 2021*”, in accordance with Substitute House Bill No. 1587; “*Washington Law Enforcement Officer Mental Health & Wellness Task Force Report*”, in accordance with Substitute Senate Bill No. 6570;

**Housing Finance Commission -** “*Out-of-State Issuer, 2020 Annual Report*”, pursuant to 39.46.170 RCW;

**Independent Colleges of Washington -** “*Washington Student Loan Transparency Act Compliance Report, 2021*”, pursuant to 28B.10.285 RCW;

**Insurance Commissioner, Office of the -** “*Wakely Washington Analysis of Requiring Coverage for Hearing Instruments*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Direct Practices in Washington State Annual Report*”, in accordance with Engrossed Second Substitute Senate Bill No. 5958 48.150 RCW; “*Mandated Health Benefits Report, 2022 Plan Year*”, pursuant to 48.43.715 RCW; “*Individual*

*Market Health Plans Report, Plan Year 2022*”, in accordance with Engrossed Substitute Senate Bill No. 5526; “*Fixed-Payment Benefits Plans Annual Report for 2021*”, pursuant to 48.43.650 RCW; “*Balance Billing Protection Act Arbitration Proceedings, 2021 Annual Report*”, in accordance with Second Substitute House Bill No. 1065; “*2021 Medical Malpractice Annual Report - Claims Closed from January 1, 2016 through December 31, 2020*”, in accordance with Second Substitute House Bill No. 2292;

**Labor and Industries, Department of -** “*Office of the Ombuds for Injured Workers of Self-Insured Employers 2021 Annual Report to the Governor*”, pursuant to 51.14.400 RCW; “*Work-Related Immediate Inpatient Hospitalizations in Washington State 2021 Annual Report*”, pursuant to 51.14.400 RCW; “*Improving Integrity and Accountability in the Workers' Compensation System, 2020 Annual Report*”, pursuant to 43.22.331 RCW; “*Subminimum Wage Certificates 2021 Annual Report*”, in accordance with Engrossed Substitute Senate Bill No. 5284;

**Legislative Youth Advisory Council -** “*Legislative Youth Advisory Council 2020-2021 Annual Report*”, in accordance with Senate Bill No. 5254;

**Licensing, Department of -** “*Abandoned Recreational Vehicle Disposal Account Reimbursements: Quarterly Report*”, in accordance with Substitute Senate Bill No. 5165; “*Credit Card/Financial Transaction Cost Recovery: Quarterly Report*”, in accordance with Substitute Senate Bill No. 5165;

**Military Department -** “*2021 Report to the Legislature*”, pursuant to 38.52.073 RCW;

**Minority and Women's Business Enterprises, Office of -** “*Annual Report, Fiscal Year 2020*”, pursuant to 39.19.030 RCW;

**Natural Resources, Department of -** “*Emergency Fire Suppression, Monthly Report for April 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Burn Permit Fee In Relation To The Changes In RCW 70A.15.5020*”, pursuant to 70A.15.5020 RCW; “*School Seismic Safety Project, 2019-2021 Report*”, in accordance with Substitute House Bill No. 1102; “*Emergency Fire Suppression Report for June 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression Report for August 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Monthly Fire Suppression Report Letter, September 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Monthly Fire Suppression Report, September 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Trust Land Transfer Report*”, in accordance with Substitute House Bill No. 1080; “*Forest Practices Board Projects and State Auditor's Recommendations on the Adaptive Management Program*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Wildfire Season Summary 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Funding Alternatives for the Forest Practices 'fpOnline' Application and Information System*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Status of Development of a Programmatic Northern Spotted Owl Safe Harbor Agreement*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Camp Coleman Concept Development Plan*”, in accordance with Substitute House Bill No. 1080; “*Monthly Fire Suppression Report Letter & Report, December 22, 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Noxious Weed Control Board, Washington State -** “*Noxious Weed Assessment Billing and WSDOT Workgroup - Progress Report*”, in accordance with Substitute House Bill No. 1355 and pursuant to 17.10.240 RCW;

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

**Pacific Northwest University of Health Sciences** - “*Student Loan Information Compliance Report for December 2021*”, in accordance with Substitute Senate Bill No. 5022;

**Professional Educator Standards Board** - “*Educator Assessment Data Report 2021*”, pursuant to 28A.410.240 RCW; “*Alternative Routes to Teacher Certification Report 2021*”, pursuant to 28A.660.020 RCW; “*Teacher Assignment Benchmarks for Districts: Matching of Endorsements and Courses*”, pursuant to 28A.410.210 RCW; “*Professional Educator Collaborative Final Report*”, in accordance with Engrossed Second Substitute House Bill No. 1139;

**Public Disclosure Commission** - “*2021 Annual Report*”, pursuant to 42.17A RCW;

**Public Employment Relations Commission** - “*PERC Annual Report for 2020*”, pursuant to 41.58.010 RCW;

**Public Instruction, Office of the Superintendent of** - “*UPDATE: Safety Net Survey 2020*”, pursuant to 28A.150.392 RCW; “*2019-21 Voluntary Separation and Retirement Outcome Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*UPDATE: World Languages and the Washington State Seal of Biliteracy 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Post-School Outcomes for Students with Disabilities 2021*”, pursuant to 28A.155.220 RCW; “*UPDATE: School Resource Officer Program, Training, and Grants 2021*”, pursuant to 28A.300.650 RCW; “*UPDATE: Career & Technical Education Course Equivalencies 2021*”, pursuant to 28A.300.236 RCW; “*UPDATE: Gangs in Schools Task Force 2021*”, pursuant to 28A.300.490 RCW; “*UPDATE: Financial Education Public-Private Partnership 2019, 2020, 2021*”, pursuant to 28A.300.460 RCW; “*Improving Institutional Education Outcomes: Interim Status Report*”, pursuant to 28A.190.130 RCW; “*Institutional Education Rules Summary*”, pursuant to 28A.190.100 RCW; “*Regional Educator Recruitment Program Report*”, in accordance with House Bill No. 1139; “*UPDATE: School Transportation Efficiency Report*”, pursuant to 28A.160.117 RCW; “*Post-resident Youth - Dropout Prevention System Examination*”, in accordance with Engrossed Second Substitute House Bill No. 1295; “*UPDATE: Safety Net Survey 2021*”, pursuant to 28A.150.392 RCW; “*Social Emotional Learning in Washington State*”, in accordance with Senate Bill No. 5082 and pursuant to 28A.300.477 RCW; “*Teacher Residency Technical Advisory Workgroup*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Public Policy, Washington State Institute for** - “*Legal Financial Obligations in Washington State: Background, Statutes, and 50-State Review*”, pursuant to 9.94A.030 RCW; “*Designated Crisis Responders and Ricky's Law: Involuntary Treatment Investigation, Decision and Placement Report, June 2021*”, in accordance with Engrossed Third Substitute House Bill No. 1713; “*Washington State Children and Youth Services Inventory: Investigating Use by State Agencies in Policy and Decision Making*”, in accordance with Engrossed Second Substitute House Bill No. 2536; “*Early Achievers Evaluation Report Three: Variation in Links between Quality Kindergarten Readiness for Children with Childcare Subsidy*”, in accordance with Second Engrossed Second Substitute House Bill No. 1491;

**Puget Sound Partnership** - “*State of the Sound 2021*”, pursuant to 90.71.200 RCW; “*State of the Sound 2021 - Appendix B*”, pursuant to 90.71.200 RCW;

**Revenue, Department of** - “*Clean Alternative Fuels Report*”, pursuant to 82.08.9999 RCW; “*Clean Alternative Fuels Report - April 2021 Update*”, pursuant to 82.08.9999 RCW; “*Payments in Lieu of Property Tax on Certain Public Utility District Broadband Infrastructure*”, pursuant to 54.16.425 RCW; “*Pioneer-Square International District Community Preservation*

*and Development Authority Funding Options Report, June 2021*”, in accordance with Substitute Senate Bill No. 6156; “*Local Revitalization Financing Program Report, 2021 Report Covering Calendar Year 2020*”, in accordance with Second Substitute Senate Bill No. 5045; “*Hospital Benefit Zone Financing Program Report, 2021 Report Covering Calendar Year 2020*”, pursuant to 82.14.470 RCW; “*Tax Exemption Study for 2020 - Updated June 30, 2021*”, pursuant to 43.06.400 RCW; “*Descriptive Statistics for Tax Incentive Programs 2021*”, pursuant to 82.32.534 RCW; “*State Agency Business Licensing Information Report 2021*”, pursuant to 19.02.055 RCW; “*Local Business Licensing Progress Report 2022*”, pursuant to 35.90.020 RCW; “*FY 2020-2023 Local Business Licensing Partnership Plan*”, pursuant to 35.90.020 RCW;

**Sheriffs and Police Chiefs, Washington Association of** - “*Mental Health Field Response Teams 2021 Annual Report*”, in accordance with House Bill No. 2892; “*Arrest and Jail Alternatives 2021 Annual Report*”, pursuant to 43.01.036 RCW; “*Denied Firearms Sales or Transfers Annual Report*”, pursuant to 43.43.823 RCW; “*Washington State Sexual Assault Kit Initiative Project - 2021 Annual Report*”, pursuant to 36.28A.430 RCW; “*Registered Sex Offender and Kidnapping Offender Address Annual Report*”, pursuant to 36.28A.230 RCW; “*Sexual Assault Kit Initiative Project Report*”, pursuant to 43.01.036 RCW; “*Registered Sex Offender and Kidnapping Offender Address and Residency Verification Grant Program*”, pursuant to 36.28A.230 RCW; “*Mental Health Field Response Teams Program Report*”, pursuant to 43.01.036 RCW; “*Racial Profiling Progress Report 2021*”, pursuant to 43.101 RCW;

**Social & Health Services, Department of** - “*Predicting Referrals for Competency Evaluation*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Secure Community Transition Facility*”, pursuant to 71.09.325 RCW; “*State Psychiatric Hospital Forensic and Civil Bed Need Models*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Designing a Peer Mentor Program For Clients in State-Operated Intermediate Care Facilities*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Enhanced Respite Services for Children Ages 8-21*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Community Respite Services for Adults*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Fourteen Day Standard - 2020 Progress Report*”, in accordance with Engrossed Substitute House Bill No. 1109 and pursuant to 71.05.365 RCW; “*No Paid Services Client Caseload Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Western State Hospital - City of Lakewood Community Policing Program*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Staffing Levels Compared to Allotments 2021 Annual Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Maple Lane Residential Treatment Facility 2021 Status Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Statewide Accounting of Contracted SVP Housing and Treatment Providers*”, pursuant to 71.09.097 RCW; “*TANF Time Limit and Sanction Data Disaggregated by Race and Ethnicity*”, pursuant to 74.08A.265 RCW; “*Washington Connection Benefit Portal Report*”, pursuant to 74.04.225 RCW; “*WorkFirst Spending Plan Monitoring Report, 1st Quarter Report, State Fiscal Year 2022*”, pursuant to 74.08A.341 RCW; “*WorkFirst Spending Plan Monitoring Report, 1st Quarter Report, State Fiscal Year 2022*”, pursuant to 74.08A.341 RCW; “*Long-Term Care Workers, Preventing Harassment and Discrimination*”, in accordance with Engrossed Second Substitute Senate Bill No. 6205 49.95 RCW; “*WorkFirst Spending Plan Monitoring Report,*

4th Quarter Report, State Fiscal Year 2021”, pursuant to 74.08A.341 RCW; “Transforming State-Operated Intermediate Care Facilities”, in accordance with Engrossed Substitute Senate Bill No. 5092; “WorkFirst Maintenance of Effort and Work Participation Rate - 2021 First Quarter”, in accordance with Engrossed Substitute Senate Bill No. 5092; “Individual Provider Overtime Annual Expenditures Report”, in accordance with Engrossed Substitute Senate Bill No. 6199 and pursuant to 74.39A.275 RCW; “WorkFirst 2021-2023 Biennial Spending Plan”, pursuant to 74.08A.341 RCW; “Fourteen Day Standard - 2019 Progress Report”, pursuant to 71.05.365 RCW; “Department Efforts to Reduce Violence in the State Hospitals”, pursuant to 72.23.451 RCW; “Forensic Admissions and Evaluations - Performance Targets 2021 Second Quarter (April 1 - June 30, 2021)”, pursuant to 10.77.068 RCW; “Staffing Levels Compared to Allotments, 4th Quarter Report State Fiscal Year 2021”, in accordance with Engrossed Substitute House Bill No. 1109; “WorkFirst Wage Progression Report - 2020 Fourth Quarter”, pursuant to 74.08A.411 RCW; “Expansion of the Basic Food Employment and Training (BFET) Program”, pursuant to 74.04.535 RCW; “The Washington State forensic mental health workforce: Assessing the need to target areas for training, certification and possible degree programs, June 2021 Report”, pursuant to 10.31.110 RCW; “Workforce Development Annual Report 2021”, pursuant to 10.31.110 RCW; “WorkFirst Maintenance of Effort and Work Participation Rate, 4th Quarter Calendar Year 2020”, in accordance with Engrossed Substitute Senate Bill No. 6168; “WorkFirst Wage Progression Report - 2020 Third Quarter”, pursuant to 74.08A.411 RCW; “Forensic Admissions and Evaluations - Performance Targets 2021 First Quarter (January 1 - March 31, 2021)”, in accordance with Substitute Senate Bill No. 6492 and pursuant to 10.77.068 RCW; “Staffing Levels Compared to Allotments, 3rd Quarter Report State Fiscal Year 2021”, in accordance with Engrossed Substitute House Bill No. 1109; “Forensic Admissions and Evaluations - Performance Targets 2020 Fourth Quarter (September 1 - December 31, 2020)”, in accordance with Substitute Senate Bill No. 6492 and pursuant to 10.77.068 RCW; “Refugee and Immigrant Employment Services, 2020 Report”, in accordance with Engrossed Substitute Senate Bill No. 6032; “WorkFirst Spending Plan Monitoring Report, 2019-21, 3rd Quarter Report State Fiscal Year 2021”, pursuant to 74.08A.341 RCW; “WorkFirst Wage Progression Report - 2020 2nd Quarter”, pursuant to 74.08A.411 RCW; “Naturalization Services Report, January 2021”, in accordance with Engrossed Substitute Senate Bill No. 6168; “WorkFirst Maintenance of Effort and Work Participation Rate Report: 3rd Quarter Calendar Year 2020”, in accordance with Engrossed Substitute Senate Bill No. 6168; “Spokane Better Health through Housing - A Pilot Program Connecting Homeless High Emergency Department Utilizers to Housing Report, June 2021”, in accordance with Engrossed Substitute House Bill No. 1109; “Long-Term Services and Supports Presumptive Eligibility”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Student Achievement Council** - “Increasing Equitable Access, Participation, and Success for Students in Dual Credit”, in accordance with Engrossed Substitute Senate Bill No. 5092; “Dream Ahead FY21 Fee Report”, pursuant to 28B.95 RCW; “Washington College Savings Plans Rollover Report, FY21”, pursuant to 28B.95.045 RCW; “Dream Ahead Policy Goals Report”, pursuant to 28B.95.032 RCW;

**Traffic Safety Commission** - “Cooper Jones Active Transportation Safety Council 2021 Annual Report”, in accordance with Substitute Senate Bill No. 5710;

**Transportation, Department of** - “I-405/SR 167 Corridor Final Financial Plan Report & Appendices”, in accordance with

Substitute Senate Bill No. 5165; “Capital Projects Report, Quarter 1, 2021-23 Biennium”, in accordance with Substitute Senate Bill No. 5165; “Connecting Washington Title/Scope Change Request”, pursuant to 47.01.480 RCW; “2021 Transit Integration Report”, pursuant to 35.58.2796 RCW; “2021 Public Transportation Mobility Report”, in accordance with Substitute Senate Bill No. 5165; “2021 On-the-Job Training Support Services Program Report”, in accordance with Substitute Senate Bill No. 5165 and pursuant to 47.01.435 RCW; “Interstate Bridge Replacement Program, 2021 Progress Report”, in accordance with Substitute Senate Bill No. 5165; “Pedestrian/Bicyclist and Safe Routes to School Programs Status Report”, in accordance with Substitute Senate Bill No. 5165; “Transit, Bicycle & Pedestrian Expenditure Report”, in accordance with Substitute Senate Bill No. 5165; “2022 Supplemental Freight Rail Investment Bank (FRIB) Project List”, in accordance with Substitute Senate Bill No. 5165; “Green Transportation Program Report”, in accordance with Substitute Senate Bill No. 5165; “Public Health Associated with Homeless Encampments on Department Owned Rights of Way”, in accordance with Substitute Senate Bill No. 5165; “Fund Transfers Letter, November 2021”, in accordance with Substitute Senate Bill No. 5165; “Toll Division Proviso Report, FY2021, 3rd Quarter”, in accordance with Engrossed Substitute House Bill No. 1160; “Fund Transfers Letter, Motor Vehicle Account Federal Transfer, June 2021”, in accordance with Substitute Senate Bill No. 5165; “Fund Transfers Letter, June 2021”, in accordance with Engrossed Substitute House Bill No. 2322; “Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 7”, in accordance with Engrossed Substitute House Bill No. 2322; “Fund Transfers Letter, January 1 - March 31, 2021, Quarter 7”, in accordance with Engrossed Substitute House Bill No. 2322; “Fund Transfers Letter, 2021, Quarter 7”, in accordance with Engrossed Substitute House Bill No. 2322; “Kingsgate Park and Ride Transit Oriented Development Pilot, January 2020 Report”, in accordance with Engrossed Substitute House Bill No. 1160; “Kingsgate Park and Ride Transit Oriented Development Pilot Report Addendum, May 2021”, in accordance with Engrossed Substitute House Bill No. 1160; “Practical Design Savings on Connecting Washington Funded Projects, July 2021”, pursuant to 47.01.480 RCW; “Pierce County Transit Oriented Development Opportunities Report, June 2021”, in accordance with Engrossed Substitute House Bill No. 2322; “I-405 Express Toll Lanes/SR 167 HOT Lanes: 66 Month Report, January - March 2021”, in accordance with Engrossed Substitute House Bill No. 2322; “I-405 Express Toll Lanes/SR 167 HOT Lanes: 69 Month Report, April - June 2021”, in accordance with Engrossed Substitute House Bill No. 2322; “Toll Division Proviso Report, FY2021, 4th Quarter”, in accordance with Engrossed Substitute House Bill No. 1160; “Commute Trip Reduction Program Report - September 2021”, in accordance with Substitute House Bill No. 1514; “Statewide Culvert Remediation Plan Report”, in accordance with Substitute Senate Bill No. 5165; “Tort Judgments and Settlements Pertaining to WSF and non-WSF Operations, FY2021, Quarter 4”, in accordance with Engrossed Substitute House Bill No. 1160; “Rail Fixed Guideway Public Transportation System Safety Report for 2020”, pursuant to 81.104.115 RCW; “Fund Transfers Letter, Motor Vehicle Account Federal Transfer, August 2021”, in accordance with Substitute Senate Bill No. 5165; “Toll Division Annual Report FY 2020, (July 1, 2019 - June 30, 2020)”, in accordance with Engrossed Substitute House Bill No. 1160; “I-405/SR 167 Corridor Financial Plan Report & Appendices”, in accordance with Substitute Senate Bill No. 5165; “Fund Transfers Letter, April 1 - June 30, 2021, Quarter 8”, in accordance with Engrossed Substitute House Bill No. 2322;

FIRST DAY, JANUARY 10, 2022

“Fund Transfers Letter, August 2021”, in accordance with Engrossed Substitute House Bill No. 2322; “Virtual Coordination Center Report”, in accordance with Substitute Senate Bill No. 5165;

**Treasurer, Office of the** - “Public Deposit Protection Commission, 2021 Report”, pursuant to 43.08.300 RCW; “Report on the State of Washington’s Debt Limitation - Fiscal Year 2022”, pursuant to 39.42.070 RCW;

**University of Washington** - “Developing Restorative Justice as a Response to Hate Crime in Washington: A Proposal”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**University of Washington Center for Cannabis Research** - “Frameworks For Future Cannabis Research Report”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**University of Washington, School of Public Health, Department of Environmental & Occupational Health Sciences** - “Healthy Air, Healthy Schools Study: Phase 1 Report”, in accordance with Engrossed Substitute Senate Bill No. 5092; “University of Washington, Healthy Air, Healthy Schools Study - Phase 1”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Utilities and Transportation Commission** - “Establishing Marine Pilotage Tariffs Report, June 2021”, in accordance with Substitute Senate Bill No. 6519;

**Veterans Affairs, Department of** - “LGBTQ+ Veterans Program Report”, pursuant to 43.60A.240 RCW;

**Washington State Council of Presidents** - “House Bill 2513 Compliance”, pursuant to 28B.10.293 RCW; “Senate Bill 5022 Compliance”, pursuant to 28B.10.285 RCW;

**Washington State Criminal Justice Training Commission** - “State Oversight and Accountability of Peace and Corrections Officers - E2SSB 5051”, in accordance with Engrossed Second Substitute Senate Bill No. 5051 and pursuant to 43.101 RCW;

**Washington State Opportunity Scholarship** - “Washington State Opportunity Scholarship 2021 Report”, pursuant to 28B.145.070 RCW;

**Washington State Patrol** - “Consolidated Forensic Laboratory Report”, in accordance with Substitute House Bill No. 1080; “Washington Background Check Advisory Board Annual Report 2021”, in accordance with Engrossed Second Substitute House Bill No. 2467; “State Fire Service Mobilization Report 2021”, pursuant to 43.43.965 RCW; “Recruitment and Retention Annual Report”, in accordance with Substitute Senate Bill No. 5165; “DNA Testing of Washington’s Sexual Assault Kits; Annual Report to the Legislature and Governor 2021”, pursuant to 5.70.040 RCW; “Sexual Assault Kit Tracking System: Data Reporting for February 2021 - July 2021”, in accordance with Second Substitute House Bill No. 2530; “DEI Strategic Recruitment and Retention Plan”, in accordance with Engrossed Substitute House Bill No. 2322;

**Washington Technology Solutions** - “Cloud Transition Task Force Report, November 2021”, in accordance with House Bill No. 1274; “Automated Decision-Making Systems Workgroups Report”, in accordance with Engrossed Substitute Senate Bill No. 5092; “Privacy and Cybersecurity Best Practices Report”, in accordance with Engrossed Substitute Senate Bill No. 5432; “Suspended and Terminated IT Projects”, in accordance with Engrossed Substitute Senate Bill No. 5092; “Additional IT Projects Subject to Section 701 IT Oversight”, in accordance with Engrossed Substitute Senate Bill No. 5092; “Microsoft 365 License Report”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Workforce Training and Education Coordinating Board** - “Workforce Education Investment Accountability and Oversight

Board Annual Report 2021”, in accordance with Engrossed Second Substitute House Bill No. 2158.

Copies of these reports are available from the Office of the Secretary of the Senate.

Sincerely,

/s/

Sarah Bannister

SECRETARY OF THE SENATE

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

SENATE BILL NO. 5159.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 4th Day of May 2021, at Olympia, the State Capital.

(seal)

/s/

Kim Wyman

Secretary of State

MESSAGE FROM THE GOVERNOR

May 3, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill No. 5159 entitled:

"AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife."

This bill improves the method the state uses to pay counties for payments in lieu of taxes for lands owned by the Department of Fish and Wildlife. Counties distribute these payments to local taxing districts in the same manner they distribute property taxes supporting things like schools, emergency services, and noxious weed control. Section 2 sets an emergency effective date for the bill of July 1, 2021. The emergency effective date is unnecessary as payments to counties are due in April each year, not in July. The next payment to counties will be made in April 2022 and an emergency effective date is not needed to issue those payments.

For this reason, I am vetoing section 2 of SB 5159.

With the exception of Section 2, Senate Bill No. 5159 is approved.

Respectfully submitted,

/s/

Jay Inslee

Governor

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 30, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY J. FARRELL, reappointed April 30, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9296.

May 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

JEFFREY BRECKEL, reappointed May 21, 2021, for the term ending July 15, 2025, as a Chair of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9298.

June 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

CAMI FEEK, appointed June 9, 2021, for the term ending January 1, 2025, as a Director of the Employment Security Department - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9299.

June 8, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

AURIANA S. MITCHELL, appointed July 1, 2021, for the term ending June 30, 2022, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9300.

June 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

DJELLI BERISHA, appointed July 1, 2021, for the term ending June 30, 2022, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9301.

June 11, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

KIM WELLS, appointed June 11, 2021, for the term ending September 30, 2025, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9302.

June 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

REBECCA A. CHAN, appointed June 15, 2021, for the term ending September 30, 2022, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9303.

June 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

BRIAN SURRETT, appointed June 17, 2021, for the term ending September 30, 2023, as Member of the Seattle College District Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9304.

June 25, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

STEVEN ASHBY, reappointed July 1, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9305.

June 25, 2021

FIRST DAY, JANUARY 10, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN MULLANEY, reappointed July 1, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9306.

June 25, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETHANY S. RIVARD, reappointed July 1, 2021, for the term ending June 30, 2025, as Member of the Professional Educator Standards Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9307.

June 28, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NATHANAEL JO, appointed July 1, 2021, for the term ending June 30, 2022, as Member of the Western Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9308.

June 28, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHAIN WRIGHT, appointed July 1, 2021, for the term ending June 30, 2022, as Member of the Washington State University Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9309.

June 29, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL ROSS, appointed June 29, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners.

Sincerely,

2022 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9310.

June 30, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PEDRO ESPINOZA-BRAVO, reappointed July 1, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9311.

June 30, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRISTINA (CHRIS) KOBDISH, appointed July 1, 2021, for the term ending June 30, 2024, as Member of the Washington State Women's Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9312.

June 25, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAN YOSHIWARA, reappointed July 1, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9313.

June 29, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK RIKER, reappointed July 1, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9314.

June 25, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM S. KEHOE, appointed August 1, 2021, for the term ending January 1, 2075, as a Director of the Washington Technology Solutions - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9316.

July 6, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM LYNE, reappointed July 6, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9317.

July 6, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THERESA (TERRI) A. STANDISH-, appointed July 6, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9318.

July 6, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LINDA WILLIAMS, reappointed July 6, 2021, for the term ending June 17, 2027, as a Chair of the Board of Industrial Insurance Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9319.

July 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NICOLE R. BASCOMB, appointed July 9, 2021, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9320.

July 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY LAURIE CONNELLY, appointed July 19, 2021, for the term ending December 31, 2026, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9321.

July 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KASI M. FARRAR, appointed July 9, 2021, for the term ending June 30, 2024, as Member of the Washington State Women's Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9322.

July 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J'VAUGHN P. HALL, appointed July 9, 2021, for the term ending June 30, 2022, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9323.

July 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN SURRETT, appointed July 15, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9324.

July 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 10, 2022

DAWN E. RAINS, reappointed July 22, 2021, for the term ending June 30, 2024, as Member of the Washington State Women's Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9325.

August 3, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CARL J. ZAPORA, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Edmonds Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9326.

August 10, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOIS BERNSTEIN, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Tacoma Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9327.

August 13, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TARA C. SMITH, appointed September 7, 2021, for the term ending January 1, 2025, as a Director of the Department of Enterprise Services - Agency Head.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9328.

August 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHARONDA AMAMILO, appointed August 17, 2021, for the term ending August 2, 2024, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9329.

August 17, 2021

2022 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GINA CARDENAS, appointed August 17, 2021, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9330.

August 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GREGORY C. LINK, reappointed August 17, 2021, for the term ending August 2, 2024, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9331.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE B. DAVIDSON, reappointed August 27, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9332.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRYSTAL DONNER, reappointed October 1, 2021, for the term ending September 30, 2025, as Member of the State Board for Community and Technical Colleges.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9333.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN M. MEYER, reappointed October 1, 2021, for the term ending September 30, 2027, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9334.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT L. NELLAMS, reappointed October 1, 2021, for the term ending September 30, 2027, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9335.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAUREEN P. WEST, reappointed October 1, 2021, for the term ending September 30, 2027, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9336.

August 27, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURA S. WILDFONG, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9337.

August 31, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BEN BAGHERPOUR, reappointed October 1, 2021, for the term ending September 30, 2025, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9338.

September 2, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLEMENCIA CASTRO-WOOLERY, appointed October 1, 2021, for the term ending September 30, 2026, as Member of the Pierce College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9339.

September 2, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HESTER SEREBRIN, reappointed September 2, 2021, for the term ending June 30, 2027, as Member of the Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9340.

September 2, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN SUK, appointed October 1, 2021, for the term ending September 30, 2025, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9341.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALEJANDRO ALCANTAR, reappointed September 7, 2021, for the term ending June 30, 2022, as Member of the Washington Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9342.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEANNE K. BENNETT, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Clark College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9343.

September 7, 2021

FIRST DAY, JANUARY 10, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACELYN M. BOSCHOK, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Green River College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9344.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROZANNE E. GARMAN, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9345.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RADHIKA S. KRISHNA, appointed September 7, 2021, for the term ending June 30, 2022, as Member of the The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9346.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROSA PERALTA, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Seattle College District Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9347.

September 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK C. SCHEIBMEIR, reappointed October 1, 2021, for the term ending September 30, 2026, as Member of the Centralia College Board of Trustees.

Sincerely,

2022 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9348.

September 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KALEEN COTTINGHAM, appointed September 9, 2021, for the term ending July 15, 2023, as Member of the Salmon Recovery Funding Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9349.

September 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERIE M. HARRIS, reappointed September 9, 2021, for the term ending August 2, 2024, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9350.

September 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PRETRINA L. MULLINS, appointed October 1, 2021, for the term ending September 30, 2025, as Member of the Centralia College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9351.

September 9, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSEPHINE WIGGS-MARTIN, reappointed September 9, 2021, for the term ending August 2, 2024, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9352.

September 14, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KELLY A. SHEPHERD, appointed October 1, 2021, for the term ending September 30, 2026, as Member of the Everett Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9353.

September 16, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERYL ANGELETTI-HARRIS, reappointed September 27, 2021, for the term ending September 25, 2025, as Member of the Clemency and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9354.

September 16, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMY E. PARRIS, appointed September 16, 2021, for the term ending September 30, 2023, as Member of the Big Bend Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9355.

September 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SANDRA P. BENDIXEN, appointed September 21, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9356.

September 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALLEN W. HAYWARD, appointed September 21, 2021, for the term ending December 31, 2025, as Member of the Public Disclosure Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9358.

September 24, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OFELIA P. BREDDT, appointed October 1, 2021, for the term ending September 30, 2026, as Member of the Columbia Basin College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9359.

September 24, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OZELL M. JACKSON III, appointed October 1, 2021, for the term ending September 30, 2026, as Member of the Skagit Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9360.

September 28, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMY M. WEISSFELD, appointed January 3, 2022, for the term ending June 12, 2025, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9361.

October 4, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERYL A. MILLER, reappointed October 4, 2021, for the term ending September 30, 2026, as Member of the Olympic College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9362.

October 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HELEN JUNG, appointed October 7, 2021, for the term ending January 20, 2023, as Member of the Pharmacy Quality Assurance Commission.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as  
Senate Gubernatorial Appointment No. 9363.

October 12, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

JOE W. FLOYD, appointed October 12, 2021, for the term  
ending September 30, 2025, as Member of the Peninsula College  
Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9364.

October 12, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

ANN WOLKEN, appointed October 12, 2021, for the term  
ending January 19, 2025, as Member of the Pharmacy Quality  
Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as  
Senate Gubernatorial Appointment No. 9365.

October 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

SASCHA WEST, appointed October 15, 2021, for the term  
ending June 30, 2022, as Member of the Bellevue College Board  
of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9366.

October 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

CLAIRE S. RONEY, appointed October 21, 2021, for the  
term ending September 30, 2023, as Member of the Peninsula  
College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9368.

October 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY G. WETTACK, reappointed October 21, 2021,  
for the term ending August 2, 2024, as Member of the Sentencing  
Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate  
Gubernatorial Appointment No. 9369.

October 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

SHAUNIE J. WHEELER - JAMES, appointed October 21,  
2021, for the term ending September 30, 2026, as Member of the  
Renton Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9370.

October 26, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

SARAH R. LAWSON, appointed October 26, 2021, for the  
term ending June 30, 2027, as Member of the Gambling  
Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs  
as Senate Gubernatorial Appointment No. 9371.

October 26, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

KRISTOPHER K. PETERS, appointed October 26, 2021, for  
the term ending September 30, 2027, as Member of the The  
Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9372.

November 1, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

TRAVIS A. EXSTROM, appointed November 1, 2021, for  
the term ending September 30, 2026, as Member of the Highline  
College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9373.

November 1, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

STEVEN H. YOSHIHARA, reappointed November 1, 2021, for the term ending September 30, 2026, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9374.

November 3, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

PATRICK BALDOZ, reappointed November 9, 2021, for the term ending September 30, 2026, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9375.

November 3, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

JASMINE L. MINATO, appointed November 9, 2021, for the term ending May 17, 2025, as Member of the Higher Education Facilities Authority.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9376.

November 10, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

JILMA L. MENESES, appointed January 3, 2022, for the term ending January 1, 2025, as a Director of the Department of Social and Health Services - Agency Head.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9377.

November 15, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

KAREN R. FRASER, reappointed November 15, 2021, for the term ending September 30, 2027, as Member of the The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor  
Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9378.

November 19, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

BRETT BLANKENSHIP, reappointed November 19, 2021, for the term ending September 30, 2027, as Member of the Washington State University Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9379.

November 19, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

CHRISTINA BLOCKER, reappointed November 19, 2021, for the term ending September 30, 2026, as Member of the Bates Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9380.

November 19, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

KATE DEAN, appointed November 19, 2021, for the term ending June 25, 2025, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9381.

November 19, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

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

DENISE E. GIDEON, appointed November 19, 2021, for the term ending September 30, 2024, as Member of the Clark College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9382.

November 19, 2021  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON  
Ladies and Gentlemen:

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

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

TARA LEER, appointed November 19, 2021, for the term ending September 30, 2026, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9383.

November 19, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HEATHER B. REDMAN, reappointed November 19, 2021, for the term ending September 30, 2027, as Member of the Washington State University Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9384.

November 23, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY A. CHARBONNEAU, appointed November 23, 2021, for the term ending September 30, 2027, as Member of the Central Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9385.

December 3, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEONARD FORSMAN, appointed November 22, 2021, for the term ending September 30, 2027, as Member of the University of Washington Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9386.

December 7, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES G. KNUTSON, appointed December 7, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9387.

December 14, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY CHANDLER, reappointed December 14, 2021, for the term ending June 30, 2025, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9388.

December 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARIELE P. BELO, reappointed December 17, 2021, for the term ending July 1, 2026, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate gubernatorial Appointment No. 9389.

December 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBRA J. ENTENMAN, reappointed December 17, 2021, for the term ending September 30, 2024, as Member of the Renton Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9390.

December 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL T. FRANCIS, reappointed December 17, 2021, for the term ending June 30, 2024, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate gubernatorial Appointment No. 9391.

December 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOWEL J. KRUEGER, reappointed December 17, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9392.

December 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALISHIA F. TOPPER, reappointed December 17, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9393.

December 14, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BROOKE A. BROWN, appointed January 13, 2022, for the term ending January 12, 2026, as Member of the State Board of Education.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9394.

#### MOTION

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

#### SECOND SUBSTITUTE SENATE BILL NO. 5293.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 11<sup>th</sup> Day of May 2021 at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 10, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8, Second Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to mental health sentencing alternatives."

Section 8 is an emergency clause that provides the bill with an effective date of July 20, 2021. Without the emergency clause, the bill will go into effect on July 25, 2021. There does not appear to be a need for the bill to go into effect earlier than July 25.

For these reasons I have vetoed Section 8 of Second Substitute Senate Bill No. 5293.

With the exception of Section 8, Second Substitute Senate Bill No. 5293 is approved.

Respectfully submitted,

/s/  
Jay Inslee  
Governor

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

#### ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 11<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

#### MESSAGE FROM THE GOVERNOR

May 10, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5304 entitled:

"AN ACT Relating to providing reentry services to persons releasing from state and local institutions."

Section 11 of E2SSB 5304 amends RCW 72.09.270 as it pertains to county of origin for individuals releasing from total confinement in the Department of Corrections. I support the

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

policy changes made to this section, but some of these changes conflict with another bill that amends the same statute.

Specifically, this bill changes the word "offender" to "person" in RCW 72.09.270, whereas E2SHB 1044 changes the word "offender" to "incarcerated individual" in the same statute. At the request of the prime sponsor, I am vetoing this section to remove the conflict.

For these reasons I have vetoed Section 11 of Engrossed Second Substitute Senate Bill No. 5304.

With the exception of Section 11, Engrossed Second Substitute Senate Bill No. 5304 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 5151.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 17<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 33, Substitute Senate Bill No. 5151 entitled:

"AN ACT Relating to foster care and child care licensing by the department of children, youth, and families."

Section 33 is a null and void clause. It provides that if specific funding for the purposes of Section 29, a section related to prohibiting charging licensees for obtaining a child care license, is not provided in the omnibus appropriations act, then Section 29 is null and void. Although the omnibus appropriations act references Section 29 of this bill, it does not provide specific funding for Section

29. Section 33 must be vetoed so that Section 29 can be implemented.

For these reasons I have vetoed Section 33 of Substitute Senate Bill No. 5151.

With the exception of Section 33, Substitute Senate Bill No. 5151 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

ENGROSSED SUBSTITUTE SENTATE BILL NO. 5235.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 17<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 entitled:

"AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options."

Section 3 allows cities to delay local implementation of statewide requirements around siting of accessory dwelling units until two years after their next required comprehensive plan update.

Accessory dwelling units play an important role in creating additional housing options in urban areas and the state is currently facing a housing crisis.

Section 4 limits the ability for local governments to require owner occupancy on lots containing an accessory dwelling unit, but it also creates numerous exceptions to that limitation which are problematic. I am concerned that the language may allow a local government to prevent the siting and development of accessory dwelling units in perpetuity with very little justification.

Section 1 establishes the intent of the bill. Due to the vetoes of Sections 3 and 4, the original statement of intent no longer fully applies to this bill.

For these reasons I have vetoed Sections 1, 3, and 4 of Engrossed Substitute Senate Bill No. 5235.

With the exception of Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5405.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 17<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill No. 5405 entitled:

"AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work."

Section 2 directs the Joint Legislative Audit and Review Committee (JLARC) to complete a racial equity analysis on the impact of the restrictions on in-person K-12 education put in place since the COVID-19 state of emergency was declared on February 29, 2020, for all counties in Washington. Racial equity in education is a longstanding issue that was made worse by the COVID pandemic. Beyond the necessary school restrictions imposed, COVID impacts on education also included, but are not limited to, public health, economic disruption, teacher safety and loss of child care. I believe a broader review of racial inequities in K-12 is needed, and I will ask the Washington Student Achievement Council to conduct this review.

For these reasons I have vetoed Section 2 of Engrossed Substitute Senate Bill No. 5405.

With the exception of Section 2, Engrossed Substitute Senate Bill No. 5405 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

ENGROSSED SENATE BILL NO. 5476.

(seal) In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 17<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
/s/  
Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Engrossed Senate Bill No. 5476 entitled:

"AN ACT Relating to addressing the State v. Blake decision."

The bill creates a new account that will not be used, therefore it is unnecessary. For these reasons I have vetoed Section 21 of Engrossed Senate Bill No. 5476.

With the exception of Section 21, Engrossed Senate Bill No. 5476 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

SECOND SUBSTITUTE SENATE BILL NO. 5368.

FIRST DAY, JANUARY 10, 2022

2022 REGULAR SESSION

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 17<sup>th</sup> Day of May 2021, at Olympia, the State Capital.

(seal) /s/  
Kim Wyman  
Secretary of State

## MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 4, 5, 6, and 7, Second Substitute Senate Bill No. 5368 entitled:

"AN ACT Relating to encouraging rural economic development."

Section 4 of this bill would allow the Public Works Board (Board) to award funding for broadband infrastructure to cities, towns, and counties found to be in noncompliance with the growth management act (GMA). Current law prohibits any funding distributed by the Board to go to a GMA noncompliant jurisdiction unless that funding is necessary to address a public health need or substantial environmental degradation. The new exception provided here does not rise to the same level of urgency established in current law. In addition, an underpinning of the GMA has been that GMA noncompliant jurisdictions are unable to access various forms of infrastructure funding. Broadband is critical infrastructure comparable to roads, bridges, and water systems, and should be treated the same before the Board.

Section 5 prohibits the Community Economic Revitalization Board (CERB) from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. CERB does not currently consider the GMA in making funding decisions. This new prohibition is unnecessary.

Section 6 prohibits the Utilities and Transportation Commission (UTC) from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. The only funding that the UTC distributes for broadband is the Universal Service Fund (USF). Local governments are not eligible applicants to that program. The USF awards subsidies to small, private telecommunications providers. This new prohibition is also unnecessary.

Section 7 prohibits the Department of Commerce from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. Commerce is not currently bound to any consideration of GMA compliance in its decision-making regarding broadband projects. The agency has appropriate autonomy to consider the individual merits and relative benefits of each application for broadband funding. Retaining a high-level of discretion within the agency is desirable to ensure the best and highest use of scarce resources.

For these reasons I have vetoed Sections 4, 5, 6, and 7 of Second Substitute Senate Bill No. 5368.

With the exception of Sections 4, 5, 6, and 7, Second Substitute Senate Bill No. 5368 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

## MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5126.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 18<sup>th</sup> Day of May 2021, at Olympia, the State Capital.

(seal) /s/  
Kim Wyman  
Secretary of State

## MESSAGE FROM THE GOVERNOR

May 17, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6; 22; and the four internal cross- references to Section 22 [Section 8, on page 20 line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "section 22 of"], Engrossed Second Substitute Senate Bill No. 5126 entitled:

"AN ACT Relating to the Washington climate commitment act."

Section 6 requires the development of an improved consultation framework for state agencies to communicate and collaborate with tribes on climate investments made under the act. I strongly support the need for this work, as there are multiple new programs authorized under this act that require the state and tribes to work together. However, this section also requires tribes to provide their consent for climate projects funded by the Climate Commitment Act that might impact tribal interests, which differs from our current government-to-government approach and does not properly recognize the mutual sovereign relationship between tribal governments and the state. Although I am vetoing this Section, I will be requesting formal consultation with Tribal leaders to develop improved consultation procedures that strengthen our ability to work together as both sovereign governments and committed partners to advance our many mutual interests.

Section 22 primarily provides a convenient summary of compliance obligations under the Act that is duplicative of the same key compliance obligations and authorizing provisions that are well established and defined in other sections of the Act, including but not limited to Sections 23, 8 and 2. For example, the rulemaking authority acknowledged in Section 22 is provided for and expanded upon in Section 25, which separately establishes comprehensive rulemaking authority that authorizes the Department of Ecology to adopt rules to implement all of the provisions of the Act. There are no substantive aspects of Section 22 that Ecology cannot adopt and implement through this rulemaking authority. By vetoing Section 22, I am also removing an internal inconsistency with regard to the expiration date of allowances, because the ability of covered entities to rely on the last several years of allowances in Section 22(1) conflicts with the unlimited time period for use of allowances in Section 9(2). Because I am vetoing Section 22, I am also vetoing the four internal cross-references to Section 22. Finally, I want to express my deep appreciation for the Legislature's remarkable work on this critical piece of legislation; however, the delayed effective date established in subsection (7) unnecessarily hinders our state's ability to combat climate change, one of the greatest challenges facing our state and the world today.

For these reasons I have vetoed Sections 6; 22; and the four internal cross-references to Section 22 [Section 8, on page 20, line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "section 22 of"] of Engrossed Second Substitute Senate Bill No. 5126.

With the exception of Sections 6; 22; and the four internal cross-references to Section 22 [Section 8, on page 20, line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "Section 22 of"], Substitute Senate Bill No. 5126 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 19<sup>th</sup> Day of May 2021, at Olympia, the State Capital.  
(seal) /s/  
Kim Wyman  
Secretary of State

#### MESSAGE FROM THE GOVERNOR

May 18, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 127(18); 137(13); 308(18); 738; 1110(9); 955; and 1703, page 1076, lines 34-35, Engrossed Substitute Senate Bill No. 5092 entitled:

"AN ACT Relating to fiscal matters."

#### **Section 127(18), pages 27-28, Attorney General, Washington State Missing and Murdered Indigenous Women and People Task Force**

Section 127(18) provides funding for the Attorney General's Office to support the Washington State Missing and Murdered Indigenous Women and People Task Force established in Section 955 of this act. Because the wrong version of the section was included in the enacted budget, I have vetoed Section 955. Since Section 955 is vetoed, the funding in this proviso is no longer needed. Therefore, I have vetoed Section 127(18).

However, the work of this task force is extremely important, and the Attorney General's Office has agreed to convene the task force and begin the work set forth in this section. I will request the funding necessary for this task force in my next supplemental budget request.

#### **Section 137(13), page 95, Department of Revenue, Future Taxation of Digital Products. Work Group and Report**

This section directs the Department of Revenue to convene a stakeholder work group to analyze and develop recommendations on the future taxation of digital products that are used in the electronic processing of prescriptions. The department must submit the analysis and recommendations in a report to the Legislature by December 1, 2021. Because funding was not provided for the department to do this work, I have vetoed Section 137(13).

However, I am directing the department to work with stakeholders to assist them in developing and drafting legislation that will help reduce the tax burden on pharmacies as it relates to digital services that are used in the processing of electronic prescriptions and transmission of prescription drug claims data.

#### **Section 308(18), page 330, Department of Fish and Wildlife, Columbia River Gillnet License Buyback**

This section provides funding solely for a voluntary buyback of Columbia River commercial gillnet licenses which is something I supported in my proposed budget. However, the last sentence of this section also requires the department to only authorize mainstem gillnet and drift net fisheries in certain areas of the Columbia River for one particular salmon run based on a set allocation for commercial fisheries. This allocation for commercial fisheries conflicts with Washington's agreement with

FIRST DAY, JANUARY 10, 2022

the state of Oregon on management of commercial gillnet fisheries on the Columbia River. In addition, the last sentence potentially limits the department from issuing fishing licenses for other species such as eulachon or shad and from issuing permits for other commercial gear types. This may have unknown impacts on other fisheries along the Columbia River. Although I support the voluntary buyback of commercial gillnet licenses on the Columbia River, I cannot support these additional provisions. For these reasons, I have vetoed Section 308(18).

**Section 738, page 506-507, Office of Financial Management, Home and Community Based Services**

This section requires OFM to direct spending from this appropriation dependent upon receiving guidance from the Centers for Medicare and Medicaid Services (CMS) by May 10, 2021, that extends the use of Home and Community Based Services funds beyond December 31, 2022. In Section 738 (2), the Legislature expressed its intent to direct expenditures if CMS extended the expenditure time period. CMS provided guidance on May 13, 2021, extending the use of this fund source through March 2024.

For this reason, I have vetoed Section 738 to follow the spirit of the proviso and enable the Legislature to decide how the funds should be used.

**Section 1110(9), page 631, Office of Civil Legal Aid, Tenant Representation Outcome Study**

This section reduces the appropriations for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the Residential Landlord - Tenant Act. This reduction in funding includes fiscal year 2020. This fiscal year has closed and can no longer have changes in appropriation. For this reason, I have vetoed Section 1110(9). I will ask the Office of Civil Legal Aid to place \$317,500 in reserve status for fiscal year 2021.

**Section 955, pages 541 through 544**

Section 955 creates the Washington State Missing and Murdered Indigenous Women and People Task Force and sets out the members of the task force, the work of the task force, and specific duties and authority for the Washington State Attorney General to support the task force. The budget did not include the correct version of this section and has some issues that cannot be overcome. Because of the problems that arise from this version, I have vetoed Section 955.

However, this work is extremely important and needs to move forward. We have coordinated with the Attorney General's Office, which will use its existing authority to convene the task force and begin the work set forth in this section. I will include the creation of the task force as intended in my next supplemental budget request.

**Section 1703, page 1076, lines 34-35, State Treasurer, Bond Retirement and Interest**

This section intends to adjust the appropriations for Nondebt-limit General Fund bond retirement in fiscal year 2021 to necessary levels. It appears the appropriation is an error. For this reason, I have vetoed Section 1703, page 1076, lines 34-35, (Nondebt-Limit Reimbursable Bond Retirement Account-State Appropriation).

For these reasons I have vetoed Sections 127(18); 137(13); 308(18); 738; 1110(9); 955; and 1703, page 1076, lines 34-35 of Engrossed Substitute Senate Bill No. 5092.

With the exception of Sections 127(18); 137(13); 308(18); 738; 1110(9); 955; and 1703, page 1076, lines 34-35, Engrossed Substitute Senate Bill No. 5092 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 5165.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Washington this 19<sup>th</sup> Day of May 2021, at Olympia, the State Capital.

(seal)

/s/

Kim Wyman  
Secretary of State

MESSAGE FROM THE GOVERNOR

May 18, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179, Substitute Senate Bill No. 5165 entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 205(5), pages 18-19, Transportation Commission, Unfunded Study**

This section directs the Transportation Commission to evaluate and identify activities funded in the transportation budget that might be paid for using other revenue resources. This proviso also

instructs the commission to recommend potential changes to funding sources in order to maintain a state of good repair. There was no funding provided to support this work. For this reason, I have vetoed Section 205(5).

**Section 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."**

Section 220 includes the following sentence in six provisos: "Fuel type may not be a factor in the grant selection process." This sentence is a nondollar proviso that is subject to the governor's veto authority. It is also substantive legislation included in an appropriations bill that either conflicts with or amends the statutory mandates in RCW 47.66.040 and 47.66.030 that direct WSDOT to consider, among other criteria, energy efficiency issues and federal and state air quality requirements in selecting programs and projects. In addition, this requirement conflicts with, or at best substantially impairs, the statutory mandate for the state and local government subdivisions to transition to zero emission vehicles as articulated in RCW 43.19.648.

The sentence at issue is a policy change - that is, an amendment - to existing statutory requirements. As such, the sentence violates Article II, Sections 19 and 37 of the Washington State Constitution.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor. The addition of this sentence within these provisos constrains my ability to exercise the constitutionally authorized veto powers.

Based on the above concerns, I previously vetoed this sentence in several subsections in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, to prevent a constitutional violation and a forced violation of state law. Litigation regarding this matter is ongoing. Because the same sentence is included again in this biennial transportation appropriations bill and because the litigation has not been resolved yet by our state Supreme Court, I again have no choice but to veto this sentence that appears in several subsections.

For these reasons, I have vetoed Section 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."

**Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."**

Section 309 provides the appropriation authority for the Washington State Ferries construction program. Section 309(1) includes the following sentence: "No funds appropriated in this act or additional funds received through the unanticipated receipt process may be allocated or expended for terminal electrification purposes this biennium." This sentence would prohibit any funds

appropriated in the transportation budget, and not just this section, and any future funds that may be received as an unanticipated receipt, from being spent on the electrification of ferry terminals. This could result in the Department of Transportation foregoing opportunities to pursue funding for terminal electrification and charging, contrary to the needs of the ferries program. As we continue the work toward the first 144-car hybrid electric vessel and the conversion of the Jumbo Mark II vessel, we must also pursue the charging infrastructure to be able to access electricity for seamless operations.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor.

This sentence is a nondollar proviso that is subject to the governor's veto authority. The sentence is a condition on the entire transportation budget bill and on unanticipated receipts and thus does not naturally fit together with the other language in Section 309(1), which is a separate proviso applying to only the appropriations in Section 309.

The prohibition on terminal electrification expenditures not only stifles the ongoing work by Washington State Ferries to electrify fleets and terminals, but also eliminates pathways to attain federal funds or other grants. While my veto authority is generally limited to sections, subsections or appropriation items in an appropriations bill, this sentence embedded in a subsection is a separate, nondollar appropriation item that is subject to my veto. The deleterious effects of this prohibition leave me no choice but to veto this sentence.

For these reasons, I have vetoed Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."

**Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179**

Section 920 includes the following sentence in seven provisos: "Fuel type may not be a factor in the grant selection process." I previously vetoed this sentence in six provisos in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, for the reasons set forth in my veto message for Section 220 of this bill. Because Section 920 amends current law to reinstate the sentence that I had previously vetoed, I again have no choice but to veto the provisos that contain this sentence and have vetoed the sentence in two other provisos.

For these reasons, I have vetoed Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179.

I have vetoed the following sections related to bills that did not pass the Legislature, resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

**Section 205(2), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles**

**Section 205(4), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles**

For these reasons I have vetoed Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179 of Substitute Senate Rill No. 5165.

With the exception of Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2 ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33 beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179, Substitute Senate Bill No. 5165 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

#### MOTION

At 12:59 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:45 a.m. Tuesday, January 11, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## SECOND DAY

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MORNING SESSION

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Senate Chamber, Olympia  
Tuesday, January 11, 2022

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

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

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

## MESSAGE FROM THE HOUSE

January 11, 2022

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4405,  
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5765 by Senators Randall and Keiser

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

Referred to Committee on Health & Long Term Care.

SB 5766 by Senators Randall and Trudeau

AN ACT Relating to preserving a pregnant individual's ability to access abortion care; amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5767 by Senators Stanford and Rivers

AN ACT Relating to regulating hemp-derived cannabinoids; amending RCW 69.50.101, 69.50.325, 69.50.326, and 69.50.363; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5768 by Senator Kuderer

AN ACT Relating to protecting public health and safety by enhancing the regulation of vapor products; amending RCW 70.345.010 and 70.345.075; and adding new sections to chapter 70.345 RCW.

Referred to Committee on Health & Long Term Care.

SB 5769 by Senator Wilson, L.

AN ACT Relating to reforming the state tax system by providing tax relief to residents, employees, and employers; amending RCW 84.48.010, 84.69.020, 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, and 82.32.790; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; creating new sections; repealing RCW 82.87.010, 82.87.020, 82.87.030, 82.87.040, 82.87.050, 82.87.060, 82.87.070, 82.87.080, 82.87.090, 82.87.100, 82.87.110, 82.87.120, 82.87.130, 82.87.140, 82.04.4497, 82.87.150, 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; repealing 2021 c 196 ss 18 and 20 (uncodified); providing an effective date; and providing a contingent effective date.

Referred to Committee on Business, Financial Services & Trade.

SB 5770 by Senator Mullet

AN ACT Relating to providing Washington state convention economy grants; creating a new section; and making an appropriation.

Referred to Committee on Business, Financial Services & Trade.

SB 5771 by Senators Holy and Randall

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010 and 43.88C.050; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5772 by Senators Saldaña and Nguyen

AN ACT Relating to postconviction access to counsel; amending RCW 2.70.020 and 10.73.150; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5773 by Senators Stanford and Keiser

AN ACT Relating to extending collective bargaining rights to employees of the legislative branch of state government; amending RCW 41.80.005 and 41.80.010; and adding new sections to chapter 41.80 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5774 by Senator Conway

SECOND DAY, JANUARY 11, 2022

2022 REGULAR SESSION

AN ACT Relating to creation of a work group to study and make recommendations on a monument to honor residents who died in the global war on terror; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5775 by Senators Wellman and Short

AN ACT Relating to the acceleration of broadband deployment; amending RCW 35.99.010; adding a new section to chapter 35.99 RCW; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5776 by Senators Trudeau and Dhingra

AN ACT Relating to creating the criminal justice integrated data system and a violence and death investigation resource center; amending RCW 42.56.240 and 43.103.040; adding a new section to chapter 43.70 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Law & Justice.

SB 5777 by Senator Braun

AN ACT Relating to addressing the vaccination for COVID-19 requirement for children attending schools or day care centers; and amending RCW 28A.210.080.

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

SB 5778 by Senator Braun

AN ACT Relating to addressing the current backlog of vehicle inspections; and amending RCW 46.12.560.

Referred to Committee on Transportation.

SB 5779 by Senator Padden

AN ACT Relating to oversight of bail funds; amending RCW 19.09.020 and 19.09.075; adding a new section to chapter 19.09 RCW; adding a new section to chapter 43.09 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5780 by Senator Padden

AN ACT Relating to altering eligibility for the graduated reentry program; amending RCW 9.94A.733; and reenacting and amending RCW 9.94A.728.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5781 by Senator Padden

AN ACT Relating to organized retail theft; and amending RCW 9A.56.350.

Referred to Committee on Law & Justice.

SB 5782 by Senator Conway

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Referred to Committee on State Government & Elections.

SB 5783 by Senator Conway

AN ACT Relating to reestablishing the underground economy task force; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5784 by Senators Lovelett and Conway

AN ACT Relating to adding psychologists for mental health only claims to the list of those who can act as an attending provider; amending RCW 51.04.050, 51.28.010, 51.28.020, 51.28.030, 51.32.055, 51.32.090, 51.32.095, 51.36.010, 51.36.022, 51.36.060, and 51.36.070; adding a new section to chapter 51.08 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5785 by Senators Lovelett and Wilson, C.

AN ACT Relating to transitional food assistance; and amending RCW 74.08A.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5786 by Senator Schoesler

AN ACT Relating to protecting Puget Sound from wastewater pollution by requiring the department of ecology to strengthen the Puget Sound nutrient general permit; creating new sections; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5787 by Senator Nguyen

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.040, and 43.86A.050; and reenacting and amending RCW 43.86A.060.

Referred to Committee on Business, Financial Services & Trade.

SB 5788 by Senators Pedersen and Padden

AN ACT Relating to guardianship of minors; and amending RCW 11.130.225, 13.04.030, 26.12.172, 26.23.050, 11.130.010, 11.130.085, 11.130.210, and 11.130.215.

Referred to Committee on Law & Justice.

SB 5789 by Senators Randall and Nobles

AN ACT Relating to creating the Washington career and college pathways innovation challenge program; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and repealing RCW 28B.120.005, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, 28B.120.040, and 28B.120.900.

Referred to Committee on Higher Education & Workforce Development.

SB 5790 by Senator Braun

AN ACT Relating to strengthening critical community support services for individuals with intellectual and

developmental disabilities; amending RCW 74.29.020, 74.29.037, 74.29.050, 74.29.080, and 28A.155.220; reenacting and amending RCW 74.29.010; adding a new section to chapter 71A.12 RCW; and adding a new section to chapter 74.29 RCW.

Referred to Committee on Health & Long Term Care.

SB 5791 by Senator Schoesler

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding new sections to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5792 by Senator Warnick

AN ACT Relating to tax incentives; amending RCW 84.25.030, 82.60.049, 82.04.294, 82.60.020, and 82.60.120; adding a new section to chapter 82.60 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5793 by Senators Wilson, C. and Trudeau

AN ACT Relating to stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups; adding a new section to chapter 43.03 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5794 by Senators Dhingra and Kuderer

AN ACT Relating to continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 5795 by Senator Hasegawa

AN ACT Relating to the application of the consumer protection act to the fair servicing and repair of manufactured products; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5796 by Senators Saldaña and Stanford

AN ACT Relating to restructuring cannabis revenue appropriations to provide transparency and accountability and to increase community infrastructure and investment; amending RCW 69.50.530 and 69.50.540; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5797 by Senators Liias and Short

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100.

Referred to Committee on Higher Education & Workforce Development.

SB 5798 by Senator Wilson, C.

AN ACT Relating to increasing public school participation in the community eligibility provision of the United States department of agriculture; amending RCW 28A.235.300; and creating a new section.

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

SB 5799 by Senator Robinson

AN ACT Relating to modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations; amending RCW 82.04.299; creating a new section; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

SB 5800 by Senator Schoesler

AN ACT Relating to modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 14.08.122, 19.02.115, 82.02.210, 82.04.299, 82.08.025661, 82.08.820, 82.08.9997, 82.12.02685, 82.12.820, 82.12.9997, 82.32.330, 82.32.534, 82.32.790, 82.62.030, and 84.52.065; and creating a new section.

Referred to Committee on Ways & Means.

SB 5801 by Senator Keiser

AN ACT Relating to attorney and witness fees in industrial insurance court appeals; and amending RCW 51.52.130.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5802 by Senator Fortunato

AN ACT Relating to providing additional financial relief for property owners using the senior citizen and disabled persons property tax exemption and deferral programs by increasing the income thresholds and lowering the interest rate for deferred property taxes; amending RCW 84.36.383, 84.36.385, 84.38.020, and 84.38.100; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

SB 5803 by Senator Rolfes

AN ACT Relating to establishing a presumption of liability for wildfires caused by an electric utility's equipment; amending RCW 76.04.760 and 76.04.495; adding a new section to chapter 4.24 RCW; adding a new section to chapter 80.04 RCW; creating a new section; and providing an effective date.

SECOND DAY, JANUARY 11, 2022

2022 REGULAR SESSION

Referred to Committee on Environment, Energy & Technology.

SB 5804 by Senator Braun

AN ACT Relating to prohibiting gain-of-function research; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 5805 by Senator McCune

AN ACT Relating to requiring parental or legal guardian approval before a child participates in comprehensive sexual health education; amending RCW 28A.300.475; and creating a new section.

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

SB 5806 by Senator McCune

AN ACT Relating to providing parents and legal guardians access to instructional materials; adding a new section to chapter 28A.320 RCW; and prescribing penalties.

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

SB 5807 by Senator Warnick

AN ACT Relating to improving behavioral health outcomes for adults and children by enhancing engagement of state hospitals with the patients, their family members, and natural supports; amending RCW 72.23.010, 72.23.020, 72.23.025, 72.23.170, and 72.23.200; and adding new sections to chapter 72.23 RCW.

Referred to Committee on Health & Long Term Care.

SB 5808 by Senator King

AN ACT Relating to providing spoken language interpreters for medical appointments when the original spoken language interpreter fails to appear; and amending RCW 39.26.300.

Referred to Committee on Health & Long Term Care.

SB 5809 by Senator Brown

AN ACT Relating to increasing the state's investment in cancer research to improve health outcomes and save lives; amending RCW 43.348.080; creating a new section; and making an appropriation.

Referred to Committee on Health & Long Term Care.

SB 5810 by Senators Mullet and Dozier

AN ACT Relating to insurance regulation; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Business, Financial Services & Trade.

SB 5811 by Senator Rivers

AN ACT Relating to freedom of pharmacy choice; amending RCW 48.200.020 and 48.200.280; and adding a new section to chapter 48.200 RCW.

Referred to Committee on Health & Long Term Care.

SB 5812 by Senators Warnick and Stanford

AN ACT Relating to including Benton county as a county qualifying for the farm internship program; amending RCW 49.12.471; and declaring an emergency.

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

SB 5813 by Senators Carlyle and Nguyen

AN ACT Relating to establishing data privacy protections to strengthen a consumer's ability to access, manage, and protect their personal data; adding a new section to chapter 42.56 RCW; adding new chapters to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SB 5814 by Senator Cleveland

AN ACT Relating to providing funding for medical evaluations of suspected victims of child abuse; adding new sections to chapter 7.68 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5815 by Senators Cleveland and Saldaña

AN ACT Relating to implementing an identicard program to provide individuals a Washington state-issued identicard; adding a new section to chapter 43.185C RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5816 by Senator Wagoner

AN ACT Relating to repealing the statewide 988 behavioral health crisis response and suicide prevention line tax and funding the program through the state general fund; amending RCW 82.86.050; amending 2021 c 302 ss 301, 302, and 303 (uncodified); repealing RCW 82.86.020, 82.86.030, and 82.86.040; making an appropriation; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5817 by Senator Frockt

AN ACT Relating to restricting the use of synthetic media in campaigns for elective office; amending RCW 42.17A.005 and 42.17A.340; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Elections.

SB 5818 by Senators Salomon and Liias

AN ACT Relating to promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act; amending RCW 36.70A.600, 36.70A.070, 43.21C.495, 43.21C.501, and 4.84.370; creating a new section; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5819 by Senator Braun

AN ACT Relating to the developmental disabilities administration's no-paid services caseload; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Health & Long Term Care.

SJM 8008 by Senators Das and Lovelett

Asking the United States Government to enter into a fossil fuel nonproliferation treaty.

Referred to Committee on Environment, Energy & Technology.

## MOTION

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

## REMARKS BY THE PRESIDENT

President Heck: "For the information of those present we'll now be going at ease to convene in joint session with the House of Representatives for the purpose of receiving Governor Inslee's state of the state address. We will then return to the Senate floor to adjourn for the day."

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4405  
and HOUSE CONCURRENT RESOLUTION NO. 4406.

## MOTION

At 11:48 a.m., the President declared the Senate to be at ease for the purpose of convening a Joint Session with the House of Representatives and subject to the call of the President.

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 JOINT SESSION
 

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Pursuant to House Concurrent Resolution No. 4406, the Senate appeared virtually at the Chamber of the House of Representatives. The senators were admitted into the virtual Chamber.

The Speaker (Representative Jinkins presiding) called upon President Heck to preside over the Joint Session. The President of the Senate accepted the gavel from the Speaker at the House Rostrum.

The President of the Senate, Lieutenant Governor Heck, called the Joint Session to order. The Clerk called the roll of the members of the House of Representatives. The Clerk called the roll of the members of the Senate. A quorum of the Legislature was declared present.

President Heck: "This Joint Session has been convened to receive the state of the state message from His Excellency, Governor Jay Inslee."

The President introduced His Excellency, Jay Robert Inslee, Governor who appeared virtually from the State Reception Room.

## STATE OF THE STATE ADDRESS

Governor Inslee: "Good afternoon and welcome, Washingtonians, to a critical year in the state of Washington, uh, for our state.

We know every day of this legislative session is going to be an opportunity to make good on our commitments and to change the course of our future for the better. We have begun a short session with a long list of things to get done.

I can encapsulate the state of our state very simply – we need action.

We can wake up every morning the next 60 days understanding we need 'action, this day' – which was Churchill's first order at the beginning of World War II, and I think it can serve to focus us on the tasks before us.

I would like to start today by thanking our frontline workers, our educators, our childcare providers, and our state employees for all they've done the last two years. I want to thank those who administer emergency services and plow the roads to keep Washington moving. Unprecedented weather events have demanded much of you already this year, including the National Guard, and we are all grateful.

And a special thank you to the health care workers who've worked tirelessly for two years with little time for rest. You are heroes, and we are grateful for your service.

I am very happy to welcome our new members in the Senate – Yasmin Trudeau and John Lovick – and Brandy Donaghy to the House.

My thoughts are also with the family of former state Supreme Court Chief Justice Mary Fairhurst, who we lost in December.

And I would like to reiterate our condolences to the family of Senator Doug Ericksen, who we lost after a struggle with COVID in December. He is one of more than 10,000 Washingtonians lost to this virus – each of whom whose lives matter. And while we mourn our losses, let us also realize that because of our joint actions, we have saved thousands of lives.

We still need to contribute to the fight against COVID, that's why attendance here today is limited, and everyone is socially distanced. We are doing everything possible today to keep people safe statewide: We are increasing access to testing, masking, and helping educators find new ways of doing business. The Legislature has been a strong partner in this pandemic. Last session, they extended 26 emergency orders through the end of the pandemic and made laudable investments in our recovery efforts.

This has been a long effort, but we are undaunted.

Look at all we have done together. If you compare our success to other states, we've saved more than 17,000 Washington lives. These people are still with us because of what all Washingtonians have contributed to stay safe and healthy.

It's not an accident that our state continues to be named one of the best places anywhere to live, to work, to do business.

Since I've had the honor of being governor, we have implemented one of the best paid family leave programs in the country; we've provided significant new funds to schools under McCleary; we've passed the best environmental justice legislation in America; passed the Fair Start for and Kids Act to protect childcare options. We've successfully created more ways to connect people to careers beyond just college path. We've come back from multiple disasters, the Skagit Bridge collapse, the Oso landslide, historic wildfires, heat waves, drought, and now unprecedented flooding.

So you, as legislators, have a lot to be proud of. But now we are going to be called upon to do more.

SECOND DAY, JANUARY 11, 2022

2022 REGULAR SESSION

We face a variety and dimension of demands greater than ever as we enter 2022.

We must take action this day to keep and strengthen our commitments to those in need right now and in the future. We must take action this day to fight the homelessness crisis; to reverse social and economic disparities; to educate our children and serve those in foster care; to fund our transportation system; and to protect our salmon and orca. We must take action, this day, to fight the threat of climate change that is now hitting us so hard across our state.

Over the last year I've met people experiencing homelessness across our state, in Tacoma, Moses Lake, Walla Walla, Seattle and Spokane. We have seen what works to improve people's lives: A private place to live with a sense of dignity. That's why my supplemental budget includes an unprecedented \$815 million investment in safe housing for those experiencing homelessness and to create more options for those struggling with housing availability.

This budget also increases behavioral health services, continuing my administration's successful investments in these life-changing programs.

All of us know that wrap-around services are critical to helping people out of long-term homelessness. It is fundamental that people not only get a roof over their heads but get access to these necessary services. We simply have to provide rapid supportive housing as soon as possible, this year.

We also I think realize we need more opportunities for everyone when it comes to housing itself. We can't get more housed if there's nowhere to build housing.

So we must pass legislation that removes antiquated barriers to middle housing options in our cities – such as duplexes and town homes – and provides more housing supply to make sure it's available to all income levels. Look, we just can't tell our constituents we're fighting homelessness and yet not provide ways to actually build more housing. That means we must allow housing that meets the realities of our tremendous population and economic growth this century. I think this is also a generational issue, when you think about it: If our children and grandchildren are ever going to afford rent or a mortgage, we need more affordable housing.

My budget also reflects our need to take direct action to reduce poverty. I created a Poverty Reduction Workgroup, made up of people who have lived experiences in poverty so they could inform us. And using their recommendations, my budget would create a \$125 million reinvestment fund to address economic and social disparities across decades that are the legacy of federal policies that have hurt communities of color.

Our communities are suffering in other ways as well, like in our classrooms.

We know students have lost opportunities during remote learning despite the incredible efforts of our educators. To keep schools open, we have to invest more to deal with COVID and address learning opportunity loss.

We are committed to having our schools open this year, but the impacts of necessary closures linger. To help make sure educators and students have what they need, I propose reinvesting \$900 million to help schools address students' critical needs.

This proposal further empowers educators so that they can innovate to address what kids have suffered through because of COVID, just as they have done throughout the pandemic. Educators, when empowered, can develop solutions to overcome opportunity gaps.

We also propose increasing the number of school counselors, nurses, psychologists, and social workers available to serve K-12

students. Anyone who works with kids will tell you these services are needed now more than ever.

Young people in foster care and their families also have been uniquely impacted by the pandemic. So we offer \$80 million to pay providers more for housing and support foster youth with complex needs; to help young people transition out of foster care or juvenile justice to a successful future.

While we put the pieces together to address these current needs that confront our communities, we also have to take action this day to address the long-term, existential threats to this state.

In December, I spoke with astronaut Kayla Barron, she's a Richland High School graduate. I was in my home – Kayla was aboard the International Space Station. She's a long way from home right now. She's traveling at 17,500 miles per hour above us, she's orbiting the Earth once every 90 minutes, so I was pretty honored that she took my call.

I asked her what perspective this experience gave her about our collective home, this planet. She said something that really has stuck with me.

She told me she was amazed by how thin our atmosphere is, how at night there is a burnt orange glow at its edge revealing just how paper thin the layer is between a livable world and the nothingness of space. She said, 'The most important thing we need to survive is the ability to breathe clean air.'

Our planet's fragile state is pretty clear from right here on the ground as well. Climate change is not merely a graph on a slide deck with an arrow pointed at calamity. It's found in the eyes of people who saw floods go through their windows in Everson last month; in the evacuees who returned to see the charred ruins of their homes in Malden; or the people in the Colville Tribes who lost 600,000 acres of commercial timber to wildfires.

When I look into the eyes of people who have lost their home and I see the pain they have, that's the pain of climate change. We have to do everything we can to fight it. Every corner of our state faces climate-related disasters today. Not tomorrow, right now. This is the fight for the future of our state. And we need action, this day.

My budget builds on the work we've done previously and puts \$626 million more toward this noble effort.

Legislators can be proud of the policies they've put to work here in our state already. And it's good to know we are not alone in this work.

The world looks to our state as leaders in climate innovation. This was reaffirmed in November at the COP26 [United Nations Climate Change Conference of the Parties, annual summit no. 26] in Glasgow, Scotland, where I led a coalition of sixty-eight state and local governments to commit to drastically reduce emissions. Together, we're charting a path to fight climate change by cutting greenhouse gas emissions in half by 2030 and get to net-zero by 2050.

It is our state's legal obligation as well to reduce emissions – but it is also practical, and most importantly, a moral obligation. Legislators can be proud that their work created policies that will remove 43.5 million metric tons of pollution annually. But to meet our statutory commitment that we have made to the people of this state, we have to reduce emissions by 6 million more metric tons per year to reach our 2030 emissions limits. That's equivalent to the annual emissions of 1.3 million vehicles on the road.

So through legislation, we can rev up this future and make new and existing buildings perform better. We can modernize regulations and incentivize industry to ensure clean energy projects are built here in Washington with living-wage jobs; and make electric vehicles more affordable by giving families thousands of dollars in rebates.

Buildings are our state's second largest source of emissions, and many of them are energy inefficient, wasting resources and costing consumers thousands over the years. With buildings lasting anywhere from 50 to 100 years, we must act now to give Washingtonians more efficiencies and to decarbonize our homes, apartments, offices, retail spaces, and more.

To accomplish this, we have to require gas utilities to chart a path to decarbonize under the Climate Commitment Act. We can improve conditions for developers to grow clean energy resources here in our state.

Look, there's a lot of good news here.

We see the future's promise already burgeoning in Washington, at companies like Eviation in Arlington, where they're making the world's first, all-electric, commuter airplane; at Vicinity Motor Corp in Ferndale where they're going to be manufacturing electric buses; at the new solar farms popping up like dandelions in eastern Washington; and net zero buildings like the Climate Pledge Arena in Seattle and the Catalyst building in Spokane. We see clean energy projects built with strong labor standards, growing a broad range of union jobs and apprenticeship opportunities in their local communities, like at the Rattlesnake Flats Wind Farm in Adams County.

Now, with all of the multiple challenges we face right now, why do I believe this Legislature is up to the job of fighting carbon pollution this year?

It's because this is the Legislature that has in its hands the most beautiful place on the planet and the health of more than 7 million people in their hands. And I know you won't let the people down.

The same goes for salmon. As the future of salmon goes, so goes the future of our state. Our region's salmon are threatened by climate change, pollution, and habitat loss.

So we would invest \$187 million toward salmon recovery.

We also need to restore the green corridors along rivers and streams known as riparian habitat, which keeps the water clean and cool. Our legislation sets a unique ecological blueprint for each river and stream habitat to conserve and restore these critical lands.

This plan includes the Lorraine Loomis Act, it's named for the Swinomish leader in tribal salmon management, who we lost in August. I'll tell you, Lorraine was an inspiration to Washingtonians young and old. She brought us together in favor of salmon.

Our salmon cannot wait. They need action, this day.

To realize this future, we must do it together with our partners. Few are as critical in this effort as Washington state's tribal communities. So I'm introducing legislation that provides a stronger, clearer consultation process for projects that get funding through the Climate Commitment Act. We know we make progress when we work together.

We also need to invest in our aging transportation system in a way that meets the demands of the future while aggressively decreasing the impacts of climate change from the same system. We need more transportation and less pollution at the same time. That's why my 2022 transportation budget is no ordinary supplemental proposal.

We have a unique opportunity with one-time and new federal funds – along with state money – to provide nearly \$1 billion to fund transportation and clean transportation programs and activities that reduce greenhouse gas emissions from the transportation sector; that preserve the infrastructure we have and it needs help; and support critical investments to improve ferry service reliability. This includes \$324 million to support ferry electrification. Look, we desperately need boats – cleaner boats – to give Washingtonians reliable ferry services.

Now, to legislators: If you have bigger ambitions or bolder ideas in transportation, and I'm encouraged that some of you do,

I am really ready to engage, and discuss and support your further efforts.

My budget also supports increased diversity and inclusion in the transportation sector by addressing disparities in hiring and recruiting a diverse workforce at those entities.

The broader transportation system remains our number one emitter of greenhouse gases that pollute our air and water and drive climate change. Last session, this Legislature passed historic laws to reduce emissions – including the Climate Commitment Act – and we must not hesitate to take action, this day, to implement these laws. And we need a clean fuel standard as well.

These laws must go into effect in concert with our transportation budget. And I look forward to working with legislators to do this.

We've proposed necessary and prudent investments this session, but we also have to invest in our financial stability. To assure financial stability, our plan would build the reserve back to pre-pandemic levels in just four years from now. My budget puts \$2.5 billion toward our financial resilience this biennium. Putting this money in our Rainy Day Fund and reserve funds will place our state on better footing for the next emergency.

We just marked the one-year anniversary of the insurrection at our nation's Capitol. That insurrection continues this day, to this day under the banner of the big lie. The lie that our election was somehow not fair in the last election. The right to representative government today is under attack in this country, and unfortunately, I must say, also in our own state.

I'm pro-democracy. And I think all elected officials and others who care about our state and nation should be pro-democracy, too. Former Secretary of State Kim Wyman, Republican, deserves our respect for the exemplary and nonpartisan way she carried out her duties in the face of these same threats, and that is why I'm happy to welcome former Senator Steve Hobbs as our new secretary of state. Like Kim Wyman, he will help keep our state and local elections safe and secure.

It is time we stand up to those who challenge the integrity of our elections, who undermine the basic democratic principles and who would do away with the rule of law. I am calling on all legislators, Democrat and Republican, to acknowledge forcefully and vocally that the 2020 elections were won fair and square under our Constitution – and to denounce those officials who spread deception that strikes at the very foundation of our democracy.

So, I believe we should outlaw efforts by politicians to knowingly spread lies about elections when those lies result in violence – violence we have already seen in our state capitals, in our state capital, and, a year ago, in our nation's capital.

As we close today, I want to reiterate that this may be a 'short session,' but it is unlike any, perhaps, in our state's history. And we must act according to what this moment demands. We must be big. We must be bold. We must act at a scale commensurate to our challenges because of the multiple, urgent crises facing our state.

Too much is at stake to do otherwise. I am confident we can do this – because I have seen the Legislature rise to the moment before. But we must take action, this day.

We will continue to build our resiliency against COVID. We will meet the challenge of climate change while building the clean energy future with good jobs here in Washington. We will restore our children's opportunities. We will make necessary revisions to our long-term care bill and our police accountability measures. We will protect salmon and bring back our orca. We will house those impacted by homelessness and behavioral health conditions and provide more housing, affordable housing options for everyone.

SECOND DAY, JANUARY 11, 2022

This is our charge. We can do this if we act together.

There is no time to lose. We can start now by taking action this day.

Thank you.”

The President thanked the Governor for his remarks.

With the consent of the body and without objection, the President declared the Joint Session dissolved.

The President thanked the Speaker and the House for their hospitality and returned the gavel to the Speaker (Representative Jinkins presiding) who assumed the chair.

The President of the Senate, Lt. Governor Heck, retired from the House Chamber and senators left the virtual Chamber.

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AFTERNOON SESSION

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The Senate was called to order at 12:29 p.m. by President Heck.

MOTION

At 12:29 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:00 o'clock p.m. Wednesday, January 12, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**THIRD DAY****AFTERNOON SESSION**Senate Chamber, Olympia  
Wednesday, January 12, 2022

The Senate was called to order at 1:00 o'clock p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Sheldon.

The Washington State Patrol Honor Guard presented the Colors.

Miss Morgan Lee and Miss Jessica Laing of Lake Washington High School led the Senate in the Pledge of Allegiance. They were guests of Senator Dhingra.

Reverend Jeffery Spencer of Oak Harbor Lutheran Church offered the prayer.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 11, 2022

**SB 5653** Prime Sponsor, Senator Rolfes: Changing the name of the commission on pesticide registration to the commission on integrated pest management. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45 (13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5596,  
SENATE BILL NO. 5638,  
SENATE BILL NO. 5644,  
SENATE BILL NO. 5645,  
SENATE BILL NO. 5655,  
and SENATE BILL NO. 5664.

**MOTIONS**

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGE FROM OTHER STATE OFFICERS****RESOLUTION NO. 2022-001****AFFIRMING THE WHATCOM COUNTY COUNCIL'S APPOINTMENT TO FILL VACANT 42<sup>ND</sup> LEGISLATIVE DISTRICT SENATE SEAT**

**WHEREAS**, a vacancy currently exists in the 42nd Washington State Legislative District; and

**WHEREAS**, Article II, Section 15, of the Washington state Constitution provides that in the event of a vacancy occurring in a legislative district the vacancy shall be filled by the legislative authority of the county in which the vacancy occurs from a list of three candidates nominated by the county central committee of the same political party as the legislator whose office is vacated; and

**WHEREAS**, the candidates must reside in the 42nd legislative district and be of the same political party as the legislator whose office is vacated; and

**WHEREAS**, the Whatcom County Republican Party has submitted the names of three constitutionally qualified candidates to fill the current legislative district vacancy.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that Simon Sefzik is hereby appointed to the position of state representative for the 42nd Legislative District in the Washington State Senate and continuing until a successor is elected at the next general election, and has qualified.

**BE IT FINALLY RESOLVED** that the Clerk of the Council shall provide a copy of this resolution to the Clerk of the Washington State Senate, the Governor of the State of Washington, and the Chair of the Whatcom County Republican Party.

**APPROVED** this 11<sup>th</sup> day of January, 2022.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

/s/

Todd Donovan, Council Chair

ATTEST:

/s/

Dana Brown Davis, Clerk of the Council

APPROVED AS TO FORM:

/s/

Karen Frakes  
Civil Deputy Prosecutor

The President recognized and welcomed Senator Sefzik to the Senate who was present at his desk.

**MOTIONS**

On motion of Senator Pedersen and without objection, Senator Sefzik was appointed to the following standing committees:

Committee of Health & Long Term Care;  
Committee on Higher Education & Workforce Development; and  
Committee on Housing and Local Government.

THIRD DAY, JANUARY 12, 2022

2022 REGULAR SESSION

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

## INTRODUCTION AND FIRST READING

SB 5820 by Senator Carlyle

AN ACT Relating to appointing the superintendent of public instruction; amending RCW 28A.300.010, 28A.300.040, 43.01.010, 43.03.010, 43.03.011, 41.32.010, 29A.52.231, and 42.17A.005; and providing a contingent effective date.

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

SB 5821 by Senators Rivers and Billig

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5822 by Senator L. Wilson

AN ACT Relating to insurance coverage for biomarker testing; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 5823 by Senators Das and Robinson

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Housing & Local Government.

SB 5824 by Senators Nobles and Mullet

AN ACT Relating to providing dependent youth with financial education and support; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5825 by Senators Kuderer and Das

AN ACT Relating to establishing a rental and vacant property registration program work group; creating new sections; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5826 by Senator Padden

AN ACT Relating to warm water game fish management; and amending RCW 77.12.085.

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

SB 5827 by Senator Dozier

AN ACT Relating to offender management network information and electronic health records systems at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5828 by Senator Nguyen

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010; and providing an effective date.

Referred to Committee on Transportation.

SB 5829 by Senator Braun

AN ACT Relating to appropriations for behavioral health; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5830 by Senators Liias and Hasegawa

AN ACT Relating to increasing tenure-track faculty at the public baccalaureate institutions; adding a new section to chapter 28B.10 RCW; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 5831 by Senator L. Wilson

AN ACT Relating to transparency in state and local taxation; reenacting and amending RCW 44.48.150; adding a new section to chapter 82.02 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5832 by Senators Das and Fortunato

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; and amending RCW 84.14.010 and 84.14.020.

Referred to Committee on Housing & Local Government.

SB 5833 by Senator Carlyle

AN ACT Relating to school board of directors compensation; and amending RCW 28A.343.400.

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

SB 5834 by Senator Carlyle

AN ACT Relating to implementing enterprise-wide technology policies in state government to ensure consistency, security, and responsible use of data; amending RCW 43.105.054 and 43.105.369; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5835 by Senators Saldaña and Keiser

AN ACT Relating to workers' compensation; amending RCW 51.32.060 and 51.32.090; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5836 by Senator Fortunato

AN ACT Relating to informed consent for COVID-19 vaccines; adding a new section to chapter 18.130 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 5837 by Senators Salomon and Das

AN ACT Relating to removing plastic bags as an option for use at retail establishments; and reenacting and amending RCW 70A.530.020.

Referred to Committee on Environment, Energy & Technology.

SB 5838 by Senators Nobles and Rivers

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5839 by Senator Padden

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5840 by Senator Keiser

AN ACT Relating to language requirements for prescription drug labels; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long Term Care.

SB 5841 by Senator Holy

AN ACT Relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers; reenacting and amending RCW 43.101.200; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5842 by Senators Carlyle and Liias

AN ACT Relating to state laws that address climate change; amending RCW 70A.65.070, 70A.65.100, 70A.65.200, 70A.65.020, 70A.65.150, 70A.65.160, and 70A.65.230; and adding new sections to chapter 70A.65 RCW.

Referred to Committee on Environment, Energy & Technology.

SJR 8212 by Senator Carlyle

Removing the superintendent of public instruction as a statewide elected official.

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

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

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

On motion of Senator Pedersen, Senate Rule 20 was suspended for the remainder of the day to allow consideration of floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions and the resolution must dropped 24 hours prior to that day's floor session.

MOTION

Senator Billig moved adoption of the following resolution:

SENATE RESOLUTION  
8633

By Senator Billig

WHEREAS, Brad Hendrickson began his storied career with the Washington State Senate in 1982 as a bright-eyed and bowl-cut intern; and

WHEREAS, Having caught the legislative bug, Brad served as Student Legislative Liaison for Western Washington University for the 1983 session; and

WHEREAS, After graduating college, Brad returned to the Senate in 1986 where he worked as an Associate Research Analyst, a Systems Analyst, Staff Coordinator, Deputy Caucus Staff Director, Information Systems Coordinator, Deputy Secretary of the Senate, and the Secretary of the Senate; and

WHEREAS, After the January 20, 1993, Inaugural Day Storm caused the Capitol Campus to lose power, Brad, serving as Deputy Secretary, took part in the Senate's first - and hopefully only - pro forma session by flashlight and candlelight; and

WHEREAS, Brad served during the 2001 earthquake that literally shook the dome so badly it resulted in his planning an outdoor session at the sundial and relocating members and staff for two years while the legislative building was reinforced and remodeled; and

WHEREAS, Brad will be remembered as an integral member, Appointed Principal and Secretary-Treasurer, of the American Society of Legislative Clerks and Secretaries, hosting multiple nationwide professional development seminars in Washington State; and

WHEREAS, Brad, or bRad, as his friends and colleagues in ASLCS know him as, was infamous for his breadth of knowledge as well as his ability to make friends with anyone in the room, often using his balloon art skills to win over the most unfriendly of colleagues; and

WHEREAS, Brad was awarded the 2019 Legislative Staff Achievement Award for his work in supporting the legislative process, improving the effectiveness of the legislative institution and contributing to the work of ASLCS; and

WHEREAS, Brad's dedication to civic education and the Washington State Legislative Internship Program was a priority throughout his career as he mentored hundreds of interns as they entered state government and annually reprised his role as the esteemed host of intern Jeopardy!; and

WHEREAS, Brad helped plan and orchestrate the marriage proposal of two legislative staffers taking place on the Senate floor; and

MOTIONS

THIRD DAY, JANUARY 12, 2022

2022 REGULAR SESSION

WHEREAS, Despite his many pleas he was unfortunately never able to convince Senate Security to use his preferred photo of a young Brad Pitt as his Outlook contact photo; and

WHEREAS, In a memo on best leadership and management practices, Brad noted that "Organizations, like individuals, should constantly seek self-improvement. If it ain't broke, try to make it even better"; and

WHEREAS, Brad exemplified how to be a public servant; and

WHEREAS, Brad's staff is confident he would want it noted that during his tenure as Secretary, the legislature never once entered into a special session; and

WHEREAS, Brad has spent approximately 3,542 days in session during his career;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its deepest gratitude for the nearly 40 years of service and sacrifice that Bradley J. Hendrickson has given to both the Legislature and the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Brad Hendrickson.

Senators Billig, Braun, Liias, Keiser, Lovelett and Hawkins spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

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

MOTION

At 1:26 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 2:16 p.m. by President Heck.

MOTION

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

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Rituja Indapure, Senate Gubernatorial Appointment No. 9190, be confirmed as a member of the Washington State Women's Commission.

Senators Wellman and Das spoke in favor of passage of the motion.

APPOINTMENT OF RITUJA INDAPURE

The President declared the question before the Senate to be the confirmation of Rituja Indapure, Senate Gubernatorial Appointment No. 9190, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Rituja Indapure, Senate Gubernatorial Appointment No. 9190, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

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

Absent: Senators Schoesler and Sheldon

Rituja Indapure, Senate Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, be confirmed as a member of the Washington State Women's Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF MICHELLE MERRIWEATHER

The President declared the question before the Senate to be the confirmation of Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, as a member of the Washington State Women's Commission.

MOTION

On motion of Senator Wagoner, Senators Schoesler and Sheldon were excused.

The Secretary called the roll on the confirmation of Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

Michelle Merriweather, Senate Gubernatorial Appointment No. 9195, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

The bill was read on Third Reading.

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

#### MOTION

On motion of Senator Wagoner, Senators Honeyford and Schoesler were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5268.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5201, by Senators Van De Wege and Das

Concerning department of natural resources' timber and land sales.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5201.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Carlyle

Excused: Senator Sheldon

SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5354, by Senators Saldaña, King and Nguyen

Addressing traffic control in large cities.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Lovick, Rivers and Wagoner

Excused: Senator Sheldon

SENATE BILL NO. 5354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, L. Wilson, Rolfes and Wagoner)

Concerning the safety of crime victims.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5245.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

THIRD DAY, JANUARY 12, 2022

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

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5241, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford and C. Wilson)

Promoting economic inclusion.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5241.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, McCune, Padden and Schoesler

Excused: Senator Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5376, by Senate Committee on Early Learning & K-12 Education (originally sponsored by C. Wilson, Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña)

Promoting awareness of the governor's office of the education ombuds.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, Padden and Schoesler

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 5312, by Senators Mullet, Liias and Van De Wege

Facilitating transit-oriented development and increasing housing inventory.

The bill was read on Third Reading.

Senators Mullet and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5312.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

## MOTIONS

Concerning informed consent for breast implant surgery.

The bill was read on Third Reading.

## MOTIONS

On motion of Senator Wellman, the rules were suspended and Engrossed Substitute Senate Bill No. 5441 was returned to second reading for the purposes of amendment.

Senator Wellman moved that the following amendment no. 926 by Senator Wellman be adopted:

On page 2, line 1, after "January 1," strike "2022" and insert "2023"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 926 by Senator Wellman on page 2, line 1 to Engrossed Substitute Senate Bill No. 5441.

The motion by Senator Wellman carried and amendment no. 926 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5441.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Padden and Sheldon

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 5202, by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

Establishing school district depreciation subfunds for the purposes of preventative maintenance.

The bill was read on Third Reading.

On motion of Senator Wellman, the rules were suspended and Senate Bill No. 5202 was returned to second reading for the purposes of amendment.

Senator Wellman moved that the following striking amendment no. 925 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.320.330 and 2021 c 332 s 7045 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

THIRD DAY, JANUARY 12, 2022

2022 REGULAR SESSION

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) A depreciation subfund for the school district to reserve funds for future facility and equipment needs. Up to two percent of a school district's general fund may be deposited each fiscal year into the depreciation subfund for the purpose of preventative maintenance or emergency facility needs. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and include: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playgrounds, athletic facilities, and other district real property. No moneys from the depreciation subfund may be used for employee compensation.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playgrounds, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the

size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventative maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

On page 1, line 2 of the title, after "maintenance;" strike the remainder of the title and insert "and amending RCW 28A.320.330."

Senators Wellman and Hawkins spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 925 by Senator Wellman to Senate Bill No. 5202.

The motion by Senator Wellman carried and striking amendment no. 925 was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Liias and Stanford

Excused: Senator Sheldon

ENGROSSED SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5148, by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon and C. Wilson)

Concerning the harassment of election officials.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:19 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, January 13, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FOURTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Thursday, January 13, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

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

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

## MESSAGES FROM THE HOUSE

January 12, 2022

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 12, 2022

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1122,  
SUBSTITUTE HOUSE BILL NO. 1124,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5843 by Senators Frockt and Kuderer

AN ACT Relating to public officials and candidates who knowingly make false statements and claims regarding the election process and results; amending RCW 42.12.010; adding a new section to chapter 29A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government & Elections.

SB 5844 by Senators Liias and Holy

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on Higher Education & Workforce Development.

SB 5845 by Senator Dhingra

AN ACT Relating to updating laws concerning civil protection orders to further enhance and improve their

efficacy and accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050, 12.04.140, 12.04.150, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting RCW 50.20.050; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5846 by Senators Liias and Frockt

AN ACT Relating to prohibiting weapons at election-related offices and facilities subject to limited exemptions for law enforcement officers and security personnel; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5847 by Senators Liias and Randall

AN ACT Relating to providing information to public service employees about the public service loan forgiveness program; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5848 by Senators Cleveland and Keiser

AN ACT Relating to licensure for music therapists; amending RCW 18.120.020, 18.120.020, 18.130.040, and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5849 by Senator Warnick

AN ACT Relating to tax incentives; amending RCW 84.25.030, 82.60.049, 82.04.294, 82.60.020, and 82.60.120; adding a new section to chapter 82.60 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5850 by Senators Frockt and Kuderer

AN ACT Relating to public services impact disclosures in ballot titles; amending RCW 29A.72.050 and 29A.72.290; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on State Government & Elections.

SB 5851 by Senators Rivers and Das

AN ACT Relating to using ranked choice voting in the presidential primary; amending RCW 29A.56.040, 29A.56.050, and 29A.12.080; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government & Elections.

SB 5852 by Senators Cleveland and Liias

AN ACT Relating to allowing the labeling of biodegradable products that are supported by recognized national or international test methods; amending RCW 70A.455.030 and 70A.455.040; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5853 by Senators Billig and Liias

AN ACT Relating to establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations; amending RCW 47.12.120 and 47.12.125; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5854 by Senators Randall and Hunt

AN ACT Relating to ethical performance of faculty duties; amending RCW 42.52.200, 42.52.220, and 42.52.360; and reenacting and amending RCW 42.52.010.

Referred to Committee on Higher Education & Workforce Development.

SB 5855 by Senators Lovelett, Nobles and C. Wilson

AN ACT Relating to the use of campaign funds to reimburse expenses for child care and other caregiving services; and amending RCW 42.17A.445.

Referred to Committee on State Government & Elections.

SB 5856 by Senator J. Wilson

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Law & Justice.

SB 5857 by Senator Braun

AN ACT Relating to dedicating funding from the model toxics control accounts for pollution cleanup, water flow management, water supply, and aquatic resource protection; amending RCW 82.21.010, 82.21.030, and 70A.305.200; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5858 by Senator Dozier

AN ACT Relating to establishing parents' bill of rights related to their child's public education; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 28A.345 RCW.

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

SB 5859 by Senators C. Wilson and Hunt

AN ACT Relating to exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety; amending RCW 42.56.080, 42.56.210, and 70.02.250; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5860 by Senators Warnick and Dozier

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; adding a new section to chapter 90.44 RCW; and creating a new section.

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

MOTION

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

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8404.

MOTION

At 12:32 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Friday, January 14, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FIFTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, January 14, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 13, 2022

SSB 5342 Prime Sponsor, Committee on Housing & Local Government: Concerning irrigation district elections. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Second Substitute Senate Bill No. 5342 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5489 Prime Sponsor, Senator Pedersen: Concerning business entities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5490 Prime Sponsor, Senator Pedersen: Creating the interbranch advisory committee. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5490 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5505 Prime Sponsor, Senator Rolfes: Reinstating a property tax exemption for property owned by certain nonprofit

organizations where a portion of the property is used for the purpose of a farmers market. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

January 13, 2022

SB 5514 Prime Sponsor, Senator Dozier: Increasing the frequency of county legislative meetings at alternate locations. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5519 Prime Sponsor, Senator Dozier: Replacing an inactive certificate status with an inactive license designation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5565 Prime Sponsor, Senator Sheldon: Allowing fire districts and regional fire authorities to carry out certain treasurer functions. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5566 Prime Sponsor, Senator Kuderer: Expanding eligibility for the independent youth housing program. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick and Wilson, J.

Referred to Committee on Ways & Means.

January 13, 2022

SB 5617 Prime Sponsor, Senator Cleveland: Concerning population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frock; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 13, 2022

SB 5663 Prime Sponsor, Senator Dhingra: Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frock, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Schoesler, Assistant Ranking Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Law & Justice.

January 13, 2022

SGA 9046 GREGORY C. LINK, reappointed on September 6, 2018, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 13, 2022

SGA 9091 KEN A. LARSEN, reappointed on July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sefzik and Wilson, J.

Referred to Committee on Rules for second reading.

January 13, 2022

SGA 9092 WENDY L. LAWRENCE, reappointed on July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Rules for second reading.

January 13, 2022

SGA 9170 WILLIAM N. RUMPF, appointed on June 15, 2020, for the term ending January 1, 2075, as Chair of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sefzik and Wilson, J.

Referred to Committee on Rules for second reading.

January 13, 2022

SGA 9280 LORRAINE LEE, reappointed on February 24, 2021, for the term ending June 30, 2025, as Chief Administrative Law Judge of the Office of Administrative Hearings. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MESSAGE FROM THE GOVERNOR

January 11, 2022

To the Honorable Lt. Governor Denny Heck,  
President of the Senate  
And the Senate of the State of Washington

Ladies and Gentlemen:

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

In compliance with the provisions of Article III, Section 11, of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2021 Regular Session of the 67<sup>th</sup> Legislature, copies of which are attached.

Sincerely,

/s/

Taylor K. Wonhoff  
Deputy General Counsel

**CONDITIONAL COMMUTATION OF  
LEONDIS DAVONE BERRY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 2002, Leondis Davone Berry pleaded guilty to six counts of FIRST DEGREE ROBBERY in King County Superior Court Cause No. 01-1-05494-1. These convictions followed events in which Mr. Berry, to fuel his drug addiction, engaged in a series of robberies and home invasions while armed with a revolver.

**WHEREAS**, these convictions also included four firearm enhancements, each of which carried a 60-month sentence, to be served consecutively. Mr. Berry was sentenced to 369 total months of confinement and has an earned release date of January 2029.

**WHEREAS**, Mr. Berry has served over 19 years in prison for these convictions. His criminal history is a product of his challenges with substance addiction.

**WHEREAS**, ten years ago Mr. Berry turned his life around. He has been sober since 2010, and he married in 2011.

**WHEREAS**, Mr. Berry suffered his first heart attack at age 31. Though not yet 50 years old, he has since experienced additional heart attacks.

**WHEREAS**, in September 2020, the Clemency and Pardons Board reviewed Mr. Berry's clemency petition. The testimony before the Board was that Mr. Berry has shown remorse for his past conduct, and he has broad family and community support, including housing options upon his release as well as multiple job opportunities awaiting him.

**WHEREAS**, the King County Prosecuting Attorney does not oppose Mr. Berry's petition.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Berry's sentence. In making this recommendation, the Board cited Mr. Berry's strong familial and community support network, as well as the housing and work opportunities awaiting him should he be released.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Leondis Davone Berry's 2002 sentence on six counts of FIRST DEGREE ROBBERY in King County Superior Court Cause No. 01-1-05494-1, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than February 1, 2022. While in custody, Mr. Berry must successfully complete a

DOC-approved six-month work-release program. If Mr. Berry satisfies all phases of his in-custody transition plan by February 1, 2022, DOC shall have the authority to release him after approving his offender release plan and completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Berry must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Berry shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, rules, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Regardless of risk, maintain contact frequencies with a CCO, including physically reporting at least once a month, unless DOC advises otherwise.
4. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
5. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
6. Participate in cognitive behavioral intervention programming as directed by DOC.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
9. Not operate a motor vehicle without a valid driver's license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
11. Complete a chemical dependency assessment within six months of release to the community, and follow/complete any treatment recommendations, as directed by DOC.
12. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
13. Be subject to regular drug and alcohol testing as directed by DOC.
14. Have no contact with known criminal felons, drug users or dealers, or individuals on active community supervision or in prison unless approved by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Berry shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Berry is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Berry to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Berry if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Berry violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Berry will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Berry has provided to the Office of the Governor or, if Mr. Berry is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Berry submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Berry an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Berry has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Berry is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Berry will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Berry may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Berry may abscond if not detained. If detained, Mr. Berry will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of January, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### CONDITIONAL COMMUTATION OF KEITH DWAIN BIRCH

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 2007, a jury found Keith Dwain Birch guilty of FIRST DEGREE ROBBERY in Spokane County Superior Court Cause No. 05-1-04626-1. This conviction followed events in which Mr. Birch, unemployed and substance addicted, robbed a bank by handing a note to the teller that demanded money. He was unarmed and committed no physical violence.

**WHEREAS**, this conviction followed two other earlier convictions on "strike" offenses, resulting in Mr. Birch being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

**WHEREAS**, Mr. Birch has now served over 13 years in prison for this crime. One of Mr. Birch's "strike" convictions is a robbery conviction from California that is the legal equivalent of Washington's second degree robbery.

**WHEREAS**, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of most serious offenses under the state's persistent offender statute. So, were Mr. Birch to be convicted on the present offense today, he would not qualify as a persistent offender.

**WHEREAS**, Mr. Birch has had no serious prison infractions since 2011.

**WHEREAS**, much of Mr. Birch's criminal history can be attributed to his challenges with substance addiction. He has maintained sobriety since January 2007.

**WHEREAS**, in December 2020, the Clemency and Pardons Board reviewed Mr. Birch's clemency petition. The testimony before the Board was that Mr. Birch has used money from his late mother's estate to pay over \$10,000 in legal financial obligations. He has an offer for housing in Spokane County, should he be released from prison, and he has employment skills in energy systems technology that he obtained while incarcerated.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Birch's sentence. In making this recommendation, the Board cited Mr. Birch's remorse and rehabilitation while incarcerated, his community network and his financial resources, and his taking the initiative to proactively pay his legal financial obligations.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Keith Dwain Birch's 2007 conviction for FIRST DEGREE ROBBERY in Spokane County Superior Court Cause No. 05-1-04626-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, Mr. Birch must first complete a chemical dependency assessment as well as any in-custody treatment recommendations. Then, once that is complete, DOC shall have the authority to release Mr. Birch to the community as soon as DOC approves his offender release plan and completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Birch must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Birch shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Physically report to DOC at least once per month, regardless

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

- of risk, as directed and at the discretion of DOC.
- 5. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.
- 6. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
- 7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
- 8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
- 9. Not operate a motor vehicle without a valid driver's license and registration.
- 10. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
- 11. Continue any recommended treatment programming resulting from his custody facility chemical dependency assessment, as directed by DOC.
- 12. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
- 13. Not frequent or work in bars or taverns or any environments where the primary business is alcohol or marijuana, unless approved by DOC.
- 14. Be subject to regular drug and alcohol testing, as directed by DOC.
- 15. Have no contact with known criminal felons, drug dealers, gang members, or individuals on active community supervision or in prison unless approved by DOC.
- 16. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Birch shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Birch is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Birch to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Birch if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Birch violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Birch will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Birch has provided to the Office of the Governor or, if Mr. Birch is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Birch submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Birch an opportunity to be heard and to present witnesses and documentary evidence that he has

met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Birch has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Birch is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Birch will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Birch may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Birch may abscond if not detained. If detained, Mr. Birch will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
JAMES JOHN CHAMBERS, JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 1999 and 2000, James John Chambers, Jr. pleaded guilty to several offenses in Pierce County Superior Court Cause Nos. 99-1-00817-2 (UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER with a FIREARM SENTENCING ENHANCEMENT, UNLAWFUL MANUFACTURE OF A CONTROLLED SUBSTANCE with a FIREARM SENTENCING ENHANCEMENT, and two counts of UNLAWFUL FIREARM POSSESSION), 99-1-02235-3 (UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE), and 99-1-05307-1 (FAILURE TO REMAIN AT AN INJURY ACCIDENT, UNLAWFUL POSSESSION OF A FIREARM, MANUFACTURE OF METHAMPHETAMINE, and two counts of POSSESSION OF STOLEN PROPERTY). These convictions followed events in which Mr. Chambers, who had battled addiction since his teenage years, engaged in a series of crimes to fuel his substance and gambling addictions.

**WHEREAS**, Mr. Chambers has now served over 20 years on these convictions. His earliest earned release date is April 2027.

**WHEREAS**, Mr. Chambers has had no infractions during this decades-long period of incarceration.

**WHEREAS**, in December 2020, the Clemency and Pardons Board reviewed Mr. Chambers' clemency petition. The testimony before the Board was that Mr. Chambers turned around his life in

2001 after a Department of Corrections' Father's Day event, and he has remained an active father to his children even while incarcerated. Mr. Chambers also demonstrated his strong familial and community support network, and upon release from custody, he has arranged housing and professional opportunities to begin his reentry to the community.

**WHEREAS**, the Pierce County Prosecuting Attorney's Office not only supports Mr. Chambers' clemency petition, it even took the unprecedented step of jointly filing the petition on Mr. Chambers' behalf.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Chambers' sentence. In making this recommendation, the Board cited Mr. Chambers' clean prison record and lack of infractions, his strong community and familial network to assist in his transition, and the vocal support of the Pierce County Prosecuting Attorney.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE the criminal sentences for James John Chambers, Jr. in Pierce County Superior Court Cause Nos. 99-1-00817-2 (UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER with a FIREARM SENTENCING ENHANCEMENT, UNLAWFUL MANUFACTURE OF A CONTROLLED SUBSTANCE with a FIREARM SENTENCING ENHANCEMENT, and two counts of UNLAWFUL FIREARM POSSESSION), 99-1-02235-3 (UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE), and 99-1-05307-1 (FAILURE TO REMAIN AT AN INJURY ACCIDENT, UNLAWFUL POSSESSION OF A FIREARM, MANUFACTURE OF METHAMPHETAMINE, and two counts of POSSESSION OF STOLEN PROPERTY), conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Chambers as soon as DOC approves his offender release plan and completes all applicable statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Chambers must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Chambers shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be subject to supervision placement on GPS or electronic home monitoring during his first 60 days of community supervision, and following this period, be subject to curfew, as determined and directed by DOC.
4. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
5. Physically report to DOC at least once per month, regardless of risk, as directed and at the discretion of DOC.
6. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.

7. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
8. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
9. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC
10. Not operate a motor vehicle without a valid driver's license and registration.
11. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
12. Obtain a chemical dependency assessment during his first six months of community supervision, and complete any recommended treatment programming, including ongoing treatments, as directed by DOC.
13. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, or drug making materials, without a valid physician's prescription and DOC approval.
14. Not frequent or work in bars or taverns or any environments where the primary business is alcohol or marijuana, without DOC approval.
15. Be subject to regular drug and alcohol testing, as directed by DOC.
16. Have no contact with known criminal felons, drug users or dealers, gang members, or individuals on active community supervision or in prison unless approved by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Chambers shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Chambers is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Chambers to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Chambers if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Chambers violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Chambers will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Chambers has provided to the Office of the Governor or, if Mr. Chambers is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Chambers submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Chambers an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

Governor for the Governor's final and conclusive determination on whether Mr. Chambers has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Chambers is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Chambers will be immediately returned to any such facility that the DOC Secretary deems appropriate

**ADDITIONALLY PROVIDED**, that Mr. Chambers may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Chambers may abscond if not detained. If detained, Mr. Chambers will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of March, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
ALYSSA CYRENE KNIGHT**

**To All to whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 2004, Alyssa Cyrene Knight was convicted of SECOND DEGREE MURDER, in Spokane County Superior Court, Cause No. 03-1-03448-8, and sentenced to 270 months in prison, after she and her accomplices conspired to rob a man, then during the robbery, one of the accomplices shot and killed the victim.

**WHEREAS**, Ms. Knight has served over 16 years on her sentence. She is scheduled to be released from custody as early as January 2025. Two of her other non-shooter conspirators received sentences of less than seven years on the same offense and were released from incarceration after less than four years.

**WHEREAS**, this is the only criminal conviction on Ms. Knight's record. While incarcerated, Ms. Knight has had no infractions since 2006. She has paid off all her legal financial obligations, over \$21,500.

**WHEREAS**, while in custody, Ms. Knight has excelled with college courses she has taken. She has earned her associates degree and maintained a near-perfect grade point average.

**WHEREAS**, at its June 2019 hearing, the Clemency and Pardons Board reviewed Ms. Knight's clemency petition, which included several letters of support from family and other community supporters. The testimony before the Board was that upon release from custody, Ms. Knight plans to continue her college education. She has been accepted to several undergraduate programs, including the University of

Washington. She also has a strong familial support network that will provide housing and other support.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the governor commute Ms. Knight's sentence. The Board cited Ms. Knight's strong support network, her housing and education prospects upon release, and the relatively lengthy sentence she received, compared to that of the other two non-shooter accomplices. And,

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Alyssa Cyrene Knight's sentence for her 2004 conviction for SECOND DEGREE MURDER in Spokane County Superior Court, Cause No. 03-1-03448-8, conditioned on her agreement to comply with all terms outlined by the Department of Corrections (DOC) in a transition plan. Under this transition plan, Ms. Knight shall be released from custody as soon as DOC approves her release plan and completes all statutorily-required notifications. Following her release from custody, Ms. Knight shall serve 36 months of community supervision. During her time in custody and on community supervision, Ms. Knight must comply with any conditions set by DOC. These conditions shall include, but not be limited to the following:

Ms. Knight shall:

1. Obey all laws and follow standard DOC conditions for supervision or other DOC orders or directives;
2. Abide by the terms of her judgment and sentence order;
3. Report regularly to her community corrections officer as directed by DOC;
4. Participate in DOC-approved education, employment, and/or community service programs as directed by DOC;
5. Complete a mental health evaluation and recommended treatment while in the community, as directed by DOC;
6. Complete a chemical dependency assessment and follow any recommended treatment while in the community, as directed by DOC;
7. Abstain from using or possessing alcohol and drugs/paraphernalia, including medications, marijuana, spice, or other mind and mood altering substances, unless prescribed by a licensed medical doctor;
8. Submit to regular and/or random urinalysis and breathalyzer testing as directed by DOC;
9. Not possess, receive, or transport a firearm, deadly weapon, or ammunition as defined and determined by DOC;
10. Receive prior approval from DOC for living arrangements, residence locations, and residence location changes;
11. Allow DOC to conduct home, employment, and stakeholder visits as DOC deems appropriate, including inspection of common areas and places to which she has access;
12. Remain within a geographic county of approved residence unless granted DOC permission to travel outside county of residence;
13. Not visit geographic areas or certain classes of business establishments as determined by DOC, and not associate with known felons or gang members or their associates as determined by DOC.
14. Report contact with law enforcement to DOC within 24 hours of occurrence;

**PROVIDED**, that Ms. Knight shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of her community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Ms. Knight is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Ms. Knight to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Ms. Knight if she violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Ms. Knight violates any of the conditions of this Conditional Commutation, as determined by the governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Ms. Knight will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the governor's intent to review the alleged violations and revoke or amend the Conditional Commutation will then be mailed to the most recent address Ms. Knight has provided to the Office of the governor or, if Ms. Knight is in custody, to her place of detention. If within 14 calendar days of the mailing of the notice, Ms. Knight submits a sworn statement made under penalty of perjury that she has, in fact, complied with all conditions of this Conditional Commutation, the governor shall appoint a hearing officer. The hearing officer will provide Ms. Knight an opportunity to be heard and to present witnesses and documentary evidence that she has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the governor for the governor's final and conclusive determination on whether Ms. Knight has violated the conditions of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Ms. Knight is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Ms. Knight will be immediately returned to any such facility that the Secretary of the DOC deems appropriate.

**ADDITIONALLY PROVIDED**, that Ms. Knight may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the governor determines there are reasonable grounds to believe she has violated the above conditions of this Conditional Commutation, reason to be concerned that she would pose a risk to any person or to the community, or that there is a possibility that Ms. Knight may abscond if not detained. If detained, Ms. Knight will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe she has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of January, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

## FULL AND UNCONDITIONAL PARDON OF CHRISTIAN CLYDE LEIGH

### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 2010, Christian Clyde Leigh pleaded guilty to POSSESSION OF A CONTROLLED SUBSTANCE in Clallam County Superior Court, Cause No. 10-1- 00240-4, and in 2011 he pleaded guilty to two counts of DELIVERY OF A CONTROLLED SUBSTANCE in Clallam County Superior Court, Cause No. 11-1- 00206-2. These convictions resulted from a drug addiction that Mr. Leigh experienced dating back to his early teen years.

**WHEREAS**, Mr. Leigh accepts responsibility for his behavior, and he has satisfied all the conditions of his sentence, including paying all of his legal financial obligations.

**WHEREAS**, Mr. Leigh has no other criminal history. He has maintained his sobriety since July 2011 and regularly attends substance abuse support meetings.

**WHEREAS**, since these convictions, Mr. Leigh has earned his associate's and bachelor's degrees, married, and become a father and homeowner. He has also worked at a Portland semiconductor business since 2017.

**WHEREAS**, in December 2020, the Clemency and Pardons Board reviewed Mr. Leigh's petition for a pardon. At his hearing, Mr. Leigh presented evidence that professionally, he is poised to climb within his company, where he will be asked to conduct international business and travel overseas. These convictions, however, prevent him from being able to take those international business trips.

**WHEREAS**, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Leigh a full pardon. The Board cited Mr. Leigh's clean criminal record since these crimes, his growth and maturation, his educational accomplishments, and how these convictions limit his professional prospects.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant CHRISTIAN CLYDE LEIGH this FULL AND UNCONDITIONAL PARDON for his convictions for POSSESSION OF A CONTROLLED SUBSTANCE in Clallam County Superior Court, Cause No. 10-1- 00240-4, and two counts of DELIVERY OF A CONTROLLED SUBSTANCE in Clallam County Superior Court, Cause No. 11-1-00206-2.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3<sup>rd</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

## FULL AND UNCONDITIONAL PARDON OF CHAD JAY LINTON

### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 1987, Chad Jay Linton pleaded guilty to ATTEMPTING TO ELUDE and DRIVING WHILE INTOXICATED in Island County Superior Court, Cause No. 87-1-00064-9. These convictions followed events in which an intoxicated Mr. Linton led a pursuing Washington State Patrol trooper on a high-speed chase before eventually surrendering.

**WHEREAS**, Mr. Linton accepts responsibility for his behavior, and he has satisfied the conditions of his sentence.

**WHEREAS**, Mr. Linton has no other criminal history. In 2016, the Island County Superior Court vacated this conviction from Mr. Linton's record; and then in 2018, the court reinstated Mr. Linton's firearm rights in Washington State.

**WHEREAS**, since this conviction, Mr. Linton married and now has an adult son. He lives in Nevada.

**WHEREAS**, in December 2020, the Clemency and Pardons Board reviewed Mr. Linton's petition for a pardon. At his hearing, Mr. Linton presented evidence that in Nevada, where he lives, this conviction bars him from possessing firearms, even though a Washington State court has already restored his firearm rights. He testified that only a pardon will allow him to possess firearms in his home state of Nevada.

**WHEREAS**, the Island County Prosecuting Attorney does not oppose Mr. Linton's petition.

**WHEREAS**, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Linton a full pardon. The Board cited Mr. Linton's clean criminal record since this 1987 incident.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Chad Jay Linton this FULL AND UNCONDITIONAL PARDON for his convictions for ATTEMPTING TO ELUDE and DRIVING WHILE INTOXICATED in Island County Superior Court, Cause No. 87-1- 00064-9.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3<sup>rd</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
MARCUS XAVIER PRICE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 1995, a jury convicted Marcus Xavier Price of FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 94-1-04687-1. This conviction followed events in which Mr. Price, after a night of drinking and while armed, robbed a Tacoma convenience store.

**WHEREAS**, this conviction followed other earlier serious felony convictions, resulting in Mr. Price being sentenced to life in prison without the possibility of parole under Washington's

persistent offender statute. Had he not been sentenced as a persistent offender, Mr. Price would have been released from prison several years ago.

**WHEREAS**, Mr. Price has served roughly 25 years in prison for this crime. One of the other serious felony offenses on Mr. Price's record, another of his "strike" offenses, is for attempted second degree robbery.

**WHEREAS**, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of serious offenses under the state's persistent offender statute. So, were Mr. Price to be convicted on the present offense today, he would not qualify as a persistent offender.

**WHEREAS**, the Department of Corrections now classifies Mr. Price as a low risk to reoffend. He has not received an infraction since 2012.

**WHEREAS**, in September 2020, the Clemency and Pardons Board reviewed Mr. Price's clemency petition. The testimony before the Board was that Mr. Price has shown remorse for his past conduct, and he has broad family and community support, including housing options upon his release as well as professional opportunities awaiting him. He intends to release to Pioneer Human Services' roadmap to success program.

**WHEREAS**, the Pierce County Prosecuting Attorney supports Mr. Price's petition.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Price's sentence. In making this recommendation, the Board cited the fact that by today's legal standards, Mr. Price would not be a persistent offender and would have been released from prison on this offense several years ago, the support of the Pierce County Prosecutor's Office, his recent prison record, and his prospects for work in the community.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Marcus Xavier Price's 1995 sentence for FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 94-1-04687-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, Mr. Price must first complete a chemical dependency assessment as well as any in-custody treatment recommendations. Then, once that is complete, DOC shall have the authority to release Mr. Price as soon as DOC approves his offender release plan and completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Price must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Price shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, rules, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Regardless of risk, maintain contact frequencies with a CCO, including physically reporting at least once a month, unless DOC advises otherwise.
4. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or

searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.

5. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
8. Not operate a motor vehicle without a valid driver's license and registration.
9. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
10. Complete a chemical dependency assessment and follow/complete any treatment recommendations, as directed by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Have no contact with known criminal felons, drug users or dealers, or individuals on active community supervision or in prison unless approved by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.
15. Be subject to GPS placement or electronic home monitoring during the first 60 days of his release, as determined by DOC.
16. Complete the Pioneer Human Services' roadmap to success program.

**PROVIDED**, that Mr. Price shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Price is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Price to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Price if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Price violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Price will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Price has provided to the Office of the Governor or, if Mr. Price is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Price submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Price an opportunity to be heard

and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Price has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Price is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Price will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Price may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Price may abscond if not detained. If detained, Mr. Price will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of January, A.D., two thousand and twenty-one.

/s/  
Jay Inlee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### **FULL AND UNCONDITIONAL PARDON OF JULIA JENELLE ROSALES**

#### **To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 1998, Julia Jenelle Rosales pleaded guilty to SECOND DEGREE ASSAULT in Yakima County Superior Court, Cause No. 98-1-01254-0. This conviction followed events in which Ms. Rosales, then 18-years old, purposefully drove her car into her then-partner.

**WHEREAS**, Ms. Rosales accepts responsibility for her behavior, and she has satisfied all the conditions of her sentence.

**WHEREAS**, Ms. Rosales has no other felony criminal history.

**WHEREAS**, in the years since this conviction, Ms. Rosales has been an employee at the City of Yakima.

**WHEREAS**, in September 2020, the Clemency and Pardons Board reviewed Ms. Rosales' petition for a pardon. At her hearing, Ms. Rosales presented testimony that she is the mother of two children and that she seeks clemency to secure personal closure.

**WHEREAS**, the Yakima County Prosecuting Attorney's Office does not object to Ms. Rosales' petition, and neither does the victim.

**WHEREAS**, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Ms. Rosales a full pardon, citing her consistent employment, her candor about the offense, and the lack of opposition from the Yakima County Prosecuting Attorney.

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Julia Jenelle Rosales this FULL AND UNCONDITIONAL PARDON for her conviction for SECOND DEGREE ASSAULT in Yakima County Superior Court, Cause No. 98-1-01254-0.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of January, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
CORNELL SHEGOG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 2005, a jury found Cornell Shegog guilty of SECOND DEGREE ROBBERY in Pierce County Superior Court Cause No. 05-1-00152-8. This conviction followed events in which Mr. Shegog entered a grocery store and attempted to steal several meat items. He was confronted as he fled, and in what was a brief physical struggle, he surrendered the meats.

**WHEREAS**, this conviction followed other earlier second degree robbery convictions, resulting in Mr. Shegog being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute. Had he not been sentenced as a persistent offender, Mr. Shegog would have been released from prison several years ago.

**WHEREAS**, Mr. Shegog has served over 15 years in prison for this crime. All of Mr. Shegog's "strike" convictions are for second degree robbery.

**WHEREAS**, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of most serious offenses under the state's persistent offender statute. So, were Mr. Shegog to be convicted on the present offense today, he would not qualify as a persistent offender.

**WHEREAS**, Mr. Shegog has had no major prison infractions since 2011.

**WHEREAS**, in December 2020, the Clemency and Pardons Board reviewed Mr. Shegog's clemency petition. The testimony before the Board was that Mr. Shegog has been married for over 30 years, and if released, plans to rejoin a supportive family network. He already has housing and job opportunities available to him upon his release from custody.

**WHEREAS**, the Pierce County Prosecuting Attorney supports Mr. Shegog's clemency petition.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Shegog's sentence. In making this recommendation, the Board cited Mr. Shegog's strong familial and community support network, his remorse and growth over the term of his incarceration, the support of the Pierce County Prosecuting Attorney, and the

change in law that-by today's standards-would not classify any of his criminal convictions as "strike" offenses under Washington's persistent offender statute.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Cornell Shegog's 2005 sentence for SECOND DEGREE ROBBERY in Pierce County Superior Court Cause No. 05-1-00152-8, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Shegog as soon as DOC approves his offender release plan and completes all applicable statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Shegog must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Shegog shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Physically report to DOC at least once per month, regardless of risk, as directed and at the discretion of DOC.
5. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.
6. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
9. Not operate a motor vehicle without a valid driver's license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
11. Obtain a substance abuse assessment during his first six months of community supervision, and complete any recommended treatment programming.
12. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
13. Not frequent or work in bars or taverns or any environments where the primary business is alcohol or marijuana, without DOC permission.
14. Be subject to regular drug and alcohol testing, as directed by DOC.

15. Have no contact with known criminal felons, drug dealers, gang members, or individuals on active community supervision or in prison unless approved by DOC.
16. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Shegog shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Shegog is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Shegog to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Shegog if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Shegog violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Shegog will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Shegog has provided to the Office of the Governor or, if Mr. Shegog is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Shegog submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Shegog an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Shegog has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Shegog is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Shegog will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Shegog may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Shegog may abscond if not detained. If detained, Mr. Shegog will be provided a preliminary hearing, as promptly as convenient after a Test, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

### FULL AND UNCONDITIONAL PARDON OF PHILIP NOYES SHERIDAN

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 2014, Philip Noyes Sheridan pleaded guilty to POSSESSION OF A STOLEN MOTOR VEHICLE in Clark County Superior Court, Cause No. 14-1-00198-3. Addicted to drugs and spiraling, Mr. Sheridan took possession of a vehicle that he knew was stolen.

**WHEREAS**, Mr. Sheridan accepts responsibility for his behavior, and he has satisfied all the conditions of his sentence, including paying all of his legal financial obligations.

**WHEREAS**, Mr. Sheridan has no other felony convictions. Since this incident, he completed a drug court program, and he has maintained his sobriety and regularly mentors others in drug court.

**WHEREAS**, since this conviction, Mr. Sheridan's life has stabilized. He is now a homeowner and married.

**WHEREAS**, in June 2021, the Clemency and Pardons Board reviewed Mr. Sheridan's petition for a pardon. At his hearing, Mr. Sheridan presented evidence that professionally, he has been offered a position as a mortgage originator, a position he held before becoming addicted to drugs. This conviction, however, prevents him from obtaining his professional license.

**WHEREAS**, the Clark County Prosecutor's Office supports Mr. Sheridan's petition.

**WHEREAS**, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Sheridan a full pardon. The Board cited Mr. Sheridan's employment prospects and the support that he received from the Clark County Prosecutor's Office and drug court officials.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant PHILIP NOYES SHERIDAN this FULL AND UNCONDITIONAL PARDON for his conviction for POSSESSION OF A STOLEN MOTOR VEHICLE in Clark County Superior Court, Cause No. 14-1-00198-3.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
DANIEL J. TASH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, in 1991, a jury found Daniel J. Tash guilty of AGGRAVATED MURDER in Kitsap County Superior Court Cause No. 91-1-00148-9. This conviction followed events in which Mr. Tash, while intoxicated, entered a drug manufacturer's home to collect on a debt. Finding the drug manufacturer asleep, Tash robbed his home, but when the man later awoke, a panicked Tash used a nearby gun to shoot him dead.

**WHEREAS**, for this conviction, Mr. Tash was sentenced to life in prison without the possibility of parole, and he has served roughly 30 years.

**WHEREAS**, Mr. Tash has had no prison infractions since 1995, and the Department of Corrections now classifies him as a low-risk to reoffend.

**WHEREAS**, in December 2018, the Clemency and Pardons Board reviewed Mr. Tash's clemency petition. The testimony before the Board was that Mr. Tash married while incarcerated over 20 years ago, and if released, plans to join his wife in her home. He has maintained his sobriety during his term of custody.

**WHEREAS**, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Tash's sentence. In making this recommendation, the Board cited Mr. Tash's lengthy incarceration, his maturation and remorse, and his strong support system and community transition plan.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Daniel J. Tash's 1991 sentence for AGGRAVATED MURDER in Kitsap County Superior Court Cause No. 91-1-00148-9, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Tash as soon as DOC approves his offender release plan and completes all applicable statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Tash must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Tash shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, and/or social media accounts.
4. Physically report to DOC at least once per month, regardless of risk, as directed and at the discretion of DOC.
5. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.

6. As directed by DOC, obtain DOC-approved employment or enroll in DOC- approved educational, vocational, or other programming, and report it to DOC along with changes in status.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
9. Not operate a motor vehicle without a valid driver's license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Not frequent or work in bars or taverns or any environments where the primary business is alcohol or marijuana, without DOC permission.
13. Be subject to regular drug and alcohol testing, as directed by DOC.
14. Not possess chemicals commonly used to make illegal drugs, as determined by DOC.
15. Have no contact with known criminal felons, drug dealers, gang members, or individuals on active community supervision or in prison unless approved by DOC.
16. Not possess tools associated with burglary, as determined by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Tash shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Tash is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Tash to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Tash if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Tash violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Tash will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Tash has provided to the Office of the Governor or, if Mr. Tash is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Tash submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Tash an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a

transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Tash has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Tash is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Tash will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Tash may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Tash may abscond if not detained. If detained, Mr. Tash will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### FULL AND UNCONDITIONAL PARDON OF SOKHA THORNG

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 1995, eighteen-year-old Sokha Thorng was driving a car with several of his associates. His car approached a man. Mr. Thorng stopped the car and two of his associates exited the car and fired several shots at the man, killing him.

**WHEREAS**, a jury found Mr. Thorng guilty of FIRST DEGREE MANSLAUGHTER, as an accomplice, in King County Superior Court, Cause No. 95-C-03067-6. The trial court sentenced Mr. Thorng to 58 months in prison.

**WHEREAS**, Mr. Thorng has accepted full responsibility for his actions and completed all of his sentence requirements. Following his period in Washington State custody, he was released to federal immigration detention, where he was held an additional 15 months.

**WHEREAS**, following his eventual release to the community, Mr. Thorng entered the workforce, married, and started a family of three daughters. He has maintained steady employment for over a decade.

**WHEREAS**, Mr. Thorng has been convicted of no other felonies since this event, and he has lived crime-free in the community for over 15 years.

**WHEREAS**, due to Mr. Thorng's conviction, he now faces the possibility of imminent deportation to Cambodia, a country from which his family fled as refugees before he was born. Mr. Thorng has never set foot in Cambodia, nor does he speak the language.

**WHEREAS**, the King County Prosecuting Attorney's Office supports Mr. Thorng's petition. Nobody has expressed opposition to Mr. Thorng's petition.

**WHEREAS**, in March and April 2021, the Clemency and Pardons Board reviewed Mr. Thorng's petition for a pardon. At his hearing, Mr. Thorng presented testimony that his deportation would devastate his community, specifically his daughters.

**WHEREAS**, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Thorng a full pardon.

**WHEREAS**, I have reviewed the pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the consequences that this deportation will have on Mr. Thorng and his family, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Sokha Thorng this FULL AND UNCONDITIONAL pardon of his FIRST DEGREE MANSLAUGHTER conviction in King County Superior Court, Cause No. 95-C-03067-6.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 10<sup>th</sup> day of May, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### CONDITIONAL COMMUTATION OF RICHARD EUGENE TULLIS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 2000, Richard Eugene Tullis pleaded guilty to FIRST DEGREE MURDER WITH A FIREARM ENHANCEMENT in Stevens County Superior Court, Cause No. 99-1-00139-1. This conviction followed events in which Mr. Tullis, as an 18-year old in 1999, joined three other young men to go target shooting, and while walking to their destination, one of the men fired several bullets into one of the other men. Fearing that he might be the next victim, Tullis joined in and shot, kicked, and urinated on the victim's dead corpse.

**WHEREAS**, Mr. Tullis was sentenced to 25 years in prison on this conviction, and he has now served over 21 years. His earliest earned release date is July 2024.

**WHEREAS**, Mr. Tullis has no other felonies on his record.

**WHEREAS**, in March 2018, the Clemency and Pardons Board reviewed Mr. Tullis' clemency petition. The testimony before the Board was that Mr. Tullis cooperated with law enforcement in the prosecution of his co-defendants, he has a solid family and community support network, and his reentry plan accounts for housing, employment, and other transitional support.

**WHEREAS**, Mr. Tullis' clemency petition was accompanied by the support of the Stevens County Prosecuting Attorney's Office.

**WHEREAS**, the Clemency and Pardons Board unanimously voted in March 2018 to recommend that the Governor commute Mr. Tullis' sentence. In making this recommendation, the Board cited Mr. Tullis' youthfulness at the time of the offense, the prosecutor's support, his cooperation with law enforcement, his support network, and his impressive prison record.

**WHEREAS**, in December 2018, I denied Mr. Tullis' petition. In March 2021, Mr. Tullis petitioned for my reconsideration, noting that one of his co-defendants-a more culpable individual

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

sentenced to a lengthier 40-year sentence-has since been released from custody by the Indeterminate Sentence Review Board. Mr. Tullis' petition for reconsideration also noted that Mr. Tullis has earned his associate's degree, and will soon be certified as a licensed electrician with robust job prospects in the Puget Sound corridor.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, the favorable recommendation of the Washington State Clemency and Pardons Board, and the events that have taken place since I initially denied Mr. Tullis' petition in December 2018, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby **COMMUTE** the criminal sentence of Richard Eugene Tullis for **FIRST DEGREE MURDER WITH A FIREARM ENHANCEMENT** in Stevens County Superior Court, Cause No. 99-1- 00139-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Tullis as soon as DOC approves his offender release plan and completes all applicable statutory notifications. He will then begin serving 24 months of DOC community supervision. This period of community supervision shall not be eligible for reduction or compliance credits. During this period in custody and under community supervision, Mr. Tullis must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Tullis shall:

1. Obey all laws and abide by all written or verbal conditions, rules, prohibitions, or instructions issued by DOC.
2. Comply with all applicable provisions of relevant judgment and sentence orders.
3. Be subject to supervision placement on GPS or electronic home monitoring during his first 60 days of community supervision, and following this period, be subject to curfew, as determined and directed by DOC.
4. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
5. Physically report to DOC at least once per month, regardless of risk, as directed and at the discretion of DOC.
6. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographic area as directed by DOC.
9. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
10. Obtain a mental health evaluation within the first six months of community supervision, and complete any treatment recommendations.
11. Obtain a drug, alcohol, and chemical dependency

assessment during his first twelve months of community supervision, and complete any recommended treatment programming, including ongoing treatments, as directed by DOC.

12. Not possess in the home, or use, alcohol or controlled substances, including medications, marijuana, spice or other mind and mood altering drugs, or paraphernalia, or drug making materials, without a valid physician' s prescription and DOC approval
13. Be subject to regular drug and alcohol testing, as directed by DOC.
14. Have no contact with known criminal felons, drug users or dealers, or gang members unless approved by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Tullis shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Tullis is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Tullis to perform affirmative acts deemed appropriate to monitor his compliance with the conditions and may issue warrants or detain Mr. Tullis if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Tullis violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Tullis will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Tullis has provided to the Office of the Governor or, if Mr. Tullis is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Tullis submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Tullis an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Tullis has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Tullis is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Tullis will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Tullis may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Tullis may

abscond if not detained. If detained, Mr. Tullis will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of June, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

### CONDITIONAL COMMUTATION OF ROGELIO VIVANCO VASQUEZ, JR.

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, in 1999, a jury found Rogelio Vivanco Vasquez, Jr. guilty of two counts of SECOND DEGREE ASSAULT WITH A DEADLY WEAPON, two counts of FIRST DEGREE ATTEMPTED ROBBERY, two counts of FIRST DEGREE ROBBERY, two counts of FIRST DEGREE BURGLARY, and one count each of FIREARM THEFT, FIRST DEGREE UNLAWFUL FIREARM POSSESSION, SECOND DEGREE ESCAPE, and ATTEMPT TO ELUDE in Island County Superior Court, Cause No. 98-1-00160-8. These convictions followed events in which Mr. Vasquez, while under the influence of drugs, broke free of his handcuffs during a police transport and attacked his transporting officer, stole his weapon, and tried to steal his patrol car before fleeing on foot. He then broke into two residential homes, physically assaulted residents and threatened others at gunpoint. He eventually stole an automobile and led law enforcement on a high-speed chase.

**WHEREAS**, Mr. Vasquez was sentenced to over 46 years in prison on these convictions, and he has served over 22 years. His earliest earned release date is 2040.

**WHEREAS**, Mr. Vasquez has not been infraacted in Department of Corrections confinement since 2008.

**WHEREAS**, in June 2021, the Clemency and Pardons Board reviewed Mr. Vasquez' clemency petition. The testimony before the Board was that Mr. Vasquez started using drugs at age 12, but since June 2006, he has maintained his sobriety. In custody, Mr. Vasquez earned his GED and is halfway to an associate's degree. Upon release, he has employment opportunities and housing options awaiting him.

**WHEREAS**, Mr. Vasquez' clemency petition was accompanied by the support of the Island County Prosecuting Attorney's Office.

**WHEREAS**, the Clemency and Pardons Board unanimously voted in June 2021 to recommend that the Governor commute Mr. Vasquez' sentence. In making this recommendation, the Board cited Mr. Vasquez' demonstrated rehabilitation and sobriety, the prosecutor's passionate and persuasive support, and his lengthy sentence for non-homicide offenses.

**WHEREAS**, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, the favorable recommendation of the Washington State Clemency and Pardons Board, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the

recommendation of the Clemency and Pardons Board and hereby COMMUTE the criminal sentence of Rogelio Vivanco Vasquez, Jr. on his two counts of SECOND DEGREE ASSAULT WITH A DEADLY WEAPON, two counts of FIRST DEGREE ATTEMPTED ROBBERY, two counts of FIRST DEGREE ROBBERY, two counts of FIRST DEGREE BURGLARY, and one count each of FIREARM THEFT, FIRST DEGREE UNLAWFUL FIREARM POSSESSION, SECOND DEGREE ESCAPE, and ATTEMPT TO ELUDE in Island County Superior Court, Cause No. 98-1-00160-8, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Vasquez from custody no later than September 1, 2022. During his last six months in custody, Mr. Vasquez must complete a work release program. Upon release from custody, Mr. Vasquez shall begin serving 36 months of DOC community supervision. This transition plan, designed to support a successful community transition, shall not be eligible for reduction or compliance credits. During this period in custody and under community supervision, Mr. Vasquez must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Vasquez shall:

1. Obey all laws and abide by all written or verbal conditions, rules, prohibitions, or instructions issued by DOC.
2. Comply with all applicable provisions of relevant judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Be subject to regular polygraph exams to assure compliance with this order.
5. Physically report to DOC at least once per month, regardless of risk, as directed and at the discretion of DOC.
6. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographic area as directed by DOC.
9. Not operate a motor vehicle without a valid license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
11. Participate in, and complete the cognitive behavior intervention *Thinking for Change* program in the community.
12. Obtain a substance abuse evaluation within his first 90 days of community supervision, and follow and complete any recommended treatment programming, including ongoing treatments, as directed by DOC.
13. Not personally possess, or use, alcohol or controlled substances, including medications, marijuana, spice or other mind and mood altering drugs, or paraphernalia, or drug making materials, without a valid physician's prescription and DOC approval.
14. Not work in bars or taverns or places where alcohol or

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

marijuana is a main source of business, unless approved by DOC.

- 15. Be subject to regular drug and alcohol testing, as directed by DOC.
- 16. Be permitted to contact known criminal felons, drug users or dealers, gang members, or individuals on active community supervision only if to engage in pro-social behavior, as determined by DOC.
- 17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

**PROVIDED**, that Mr. Vasquez shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Vasquez is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Vasquez to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Vasquez if he violates a condition.

**ADDITIONALLY PROVIDED**, that in the event Mr. Vasquez violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Vasquez will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Vasquez has provided to the Office of the Governor or, if Mr. Vasquez is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Vasquez submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Vasquez an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Vasquez has violated the terms of this Conditional Commutation.

**ADDITIONALLY PROVIDED**, that in the event Mr. Vasquez is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, the Governor may revoke this Conditional Commutation and the sentence of the court reinstated, whereupon Mr. Vasquez will be immediately returned to any such facility that the DOC Secretary deems appropriate.

**ADDITIONALLY PROVIDED**, that Mr. Vasquez may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Vasquez may abscond if not detained. If detained, Mr. Vasquez will be provided a preliminary hearing, as promptly as convenient after arrest, to

determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RANDY BROWN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 17-2-00307-1, and in Spokane County Superior Court, Case No. 20-1-00340-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES DENSMORE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 04-1-02700-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF DEONTEE LAMAR BOVAN SR.

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-02010-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL

COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ELLIOTT DILLON BALSLEY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-00913-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CAMERON T. PETERSON

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 14-1-01357-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TAMIR RAHEEM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-05478-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
NANCY E. MARTIN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00015-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
JOSHUA KIMBROUGH****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-01905-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
TROY CURRY****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-02645-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
NATHAN IVAN MEYER****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-01277-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSEPH HARRISON BALL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Kittitas County Superior Court, Case No. 18-1-00247-19; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRITTNEE LEE AANONSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 17-1-00191-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AMANDA MILHOUS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-01540-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for

POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF TROY PORTER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 17-1-00379-34 and 17-1-00846-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF SCOTT D. CALDWELL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 18-1-00200-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHAD RICK MAIERS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 14-1-03608-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT ELWAY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 18-1-00594-14; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JUSTIN DAVIS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 20-1-01118-7; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
NATHAN PETERSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-01270-31; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF MANUEL KOLAH

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case Nos. 11-1-02056-8 and 14-1-01348-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF TED MERRITT

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-01750-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JAMES SCHNEIDER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-00885-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF DANIEL WALTER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-01381-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF ERIN THURMAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-01709-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF JOSEPH KENNEDY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 20-1-00007-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER HENRY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 19-1-00145-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF LENARD BUTLER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 14-1-02647-3 and 16-1-00546-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual' s judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
ELIZABETH S. WITT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-02785-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TARA LEE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lewis County Superior Court, Case No. 14-1-00376-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHRISTOPHER WIRSHUP**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Klickitat County Superior Court, Case No. 16-1-00106-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee

Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
JACK CROWTHER****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00348-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
ETHAN SLATER****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 18-1-00346-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
CASSIE WALDO****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Mason County Superior Court, Case No. 18-1-00313-23; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES HILLIGOSS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 19-1-01114-34 and 19-1-01893-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROSALENE TURNINGROBE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 17-1-00010-34 and 19-1-01314-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
REYMUNDO MONTANEZ-AGOSTO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-04012-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitution s and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF DUSTIN LEE HAMM

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Skamania County Superior Court, Case No. 19-1-00076-30; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF STEVEN PLUMSTEAD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-02046-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ANDREW HARP

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case Nos. 17-1-00119-2 and 19-1-00236-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

**UNCONDITIONAL COMMUTATION OF  
JOEL SIMPSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above -referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-02836-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DANIEL GIRTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-00536-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOHN LEMIEUX**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 16-1-0056-94; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRET WILLIAM CHRISTIANSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 19-1-01283-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ERNEST STEPHENS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 19-1-00016 -03 and 19-1-00476-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF BYRON CLAFLIN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-11163-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES JACKSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 19-1-00284-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ERIKKA DEARING**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 17-1-00503-1 and 17-1-00594-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ELIZABETH K. BURKLAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-03787-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER SCHALLOCK

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 17-1-01506-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF MICHAEL JAMES SNELL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-01767-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ERIK LOPEZ

##### To All to Whom These Presents Shall Come, Greetings:

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-01594-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF KEVIN REYNOLDS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-03388-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF TIMOTHY MULLIN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-00133-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CODY ALLEN ELLSWORTH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 19-1-00556-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW EASTON TALBER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case Nos. 18-1-00075-15 and 18-1-00106-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANTHONY KNOTTS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-00908-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
URIEL CAMACHO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-00800-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual 's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KATHERINE DREYER-CLOUSE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-05491-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MATHEW WILSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-03246-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual' s judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence order s imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA LEGGET**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-01871-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
SHANNAH L NICHOLS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 17-1-00462-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
STACEY GLASPER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-00627-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MAELENA HOWELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 19-1-00125-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LORA THORNTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02656-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSEPH HEDRICK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Jefferson County Superior Court, Case Nos. 18-1-00225-16 and 19-1-00152-16; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF KATHY COLLINS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-02204-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TYHLER CAMBY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clallam County Superior Court, Case No. 20-1-00165-05; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF ADRIANNA MCCREA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-03867-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KRISTA MARIE HICKMAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Ferry County Superior Court, Case No. 20-1-00007-10; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA REGNIER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-02167-37; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MELINDA HUBBARD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Jefferson County Superior Court, Case No. 18-1-00 214-16; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JOHN CYR

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-03716-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF SHARAYAH JO-LYNN COVEY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Ferry County Superior Court, Case No. 19-1-00032-10; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRANDON GARCIA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-02396-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JOSEPH KLIMAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-00429-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF RYAN NARAYAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04284-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF VLADIMIR STEPANCHUK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02593-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this in divi dual' s judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF DANIEL JESSE GALVAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Ferry County Superior Court, Case No. 20-1-00 031-10; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) vio late s the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JACOB MITCHELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 20-1-00066-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
DAVID CAIN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 14-1-0005-05; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convict io ns under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
SAMUEL RUTHERFORD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04735-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GREGALINE TYLER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-04255-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee



Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAY KASBAUM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-04244-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DWIGHT LLOYD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-00219-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT E. REED**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-00138-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF RICHARD M. JONES**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 16-1-00954-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF MICHAEL BEYER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Mason County Superior Court, Case No. 09-1-00044-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ELMER FIELD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00474-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF SCOTT FRASER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case Nos.17-1-00292-14 and 18-1-00368-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JASON SPENCER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos.16-1-00452-2, 15-1-03283-8 and 15-1-03281-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CORY ENGLAND

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 17-1-02171-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT RUSSELL DREYER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 20-1-00010-15; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson

Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL R. OPLAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 07-1-03517-7; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOHNNY MCQUEEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-04573 -0; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHICO LEE BERCIER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02363-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRIAN OTTOSEN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00310-38; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF BLAKE SCOTT LEIGHTON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-00664-37; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KEITH IREY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-02440-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DAVID WIEGAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 20-1-00364-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TIMOTHY O'BRIEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Walla Walla County Superior Court, Case No. 19-1-00175-36; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RUDY ROCHA CASTILLON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case Nos. 17-1-00211-39 and 18-1-00387-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RUSSELL BUSH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-02362-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CARMEN GARDIPEE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 06-1-02025-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DARRELL MURPHY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 17-1-00349-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
VICTOR JARED WILSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-02171-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GREGORY SIMON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-00018-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRUMAN HIGGINBOTHAM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 15-1-01662-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TERRY COUVEAU**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 15-1-00397-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TONY EASTMAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-01017-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRANDY WAYNE CAMPBELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-00041-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JESUS JR SANDOVAL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-00431-8 and 18-1-00932-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF KYLE LARA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Garfield County Superior Court, Case No. 17-1-00018-12; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER RENFROE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 17-1-00477-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUSTIN JOEL MENDOZA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clallam County Superior Court, Case No. 18-1-00215-05; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF OSCAR VILLALOBOS**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 13-1-00163-6; and

WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

WHEREAS, [ am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF AARON MILLER**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Mason County Superior Court, Case Nos. 19-1-00172-23, 19-1-00173-23 and 19-1-00174-23; and

WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF MARTIN JAMES FERRELL**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 17-1-01108-34 and 17-1-02016-34; and

WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence order s imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JACOB POPPLETON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-02276-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JERROD HALE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 16-1-00920-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUSTIN R. JORDAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 13-1-04343-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 48 1 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GABRIEL J. BOUDRIEAU**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 17-1-02601-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 48 1 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSEPH ALLEN MULLINS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 16-1-00274-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 48 1 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW PACKER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case Nos. 19-1-00195-13 and 19-1-00682-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CODY LEE HIRONS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case Nos. 15-1-01718-7, 16-1-02388-6, 17-1-02110-5 and 19-1-01387-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROSLYN ACAR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 19-1-00965-03 and 19-1-01669-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRISHA POWELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00035-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AARON DANIEL DEAN GANEK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-01399-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**CONDITIONAL COMMUTATION OF  
KEITH BOWRON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-04435-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DUSTIN CROWELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00077-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DUSTIN RICHARD SNYDER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00246-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHARLES DEWAYNE LISTER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-01817-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AMIR SAKAEV**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 20-1-02104-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Correction s must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
WILLIAM JARED SHEARER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 19-1-00209-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON L. SULLIVAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Com1, Case No. 19-1-00180-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no com1 has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DEREK GUYOT

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 19-1-07697-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DARRYL ALLEN WILLIAM

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 17-1-04653-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF RICHARD HOOD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-03404-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ANGELA MARIE HOLMAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 18-1-02681-5 and 19-1-02111-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/

Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF CORY GLENLYNN SMITH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-03211-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JON RYAN FISCHER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 16-1-00735-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence (s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TONY EASTMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-01017-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF LARRY GORDON TASCHE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-03969-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DALE PAEPER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence (s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-01326-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KYLE GORHAM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lewis County Superior Court, Case No. 19-1-00474-21; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHANCE NEWBILL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court Case No. 20-1-00614-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above referenced cause number(s). Pursuant to this unconditional commutation, authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RYAN FOGLER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 11-1-00884-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF STEVEN FISCH

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-00366-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRIAN MASSEY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 20-1-00074-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**CONDITIONAL COMMUTATION OF  
DEONTE D. BROADWAY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-01909-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON CISSNEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 16-1-00376-9 and 19-1-00692-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DEVON HOLT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-00643-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee

Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
CODY LEE FORSLIN****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Kittitas County Superior Court, Case No. 16-1-00145-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for conviction(s) under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
MICHAEL BIGBEAVER****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 19-1-00201-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1); in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
REBECCA TURNER****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-03183-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ALEX ENRIQUEZ MUNOZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-00525-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, here by grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MATHEW DUNSMOOR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Klickitat County Superior Court, Case No. 19-1-00034-20; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AMANDA SMITH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 17-1-01502-08 and 18-1-00237-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF NICHOLAS ZIELKE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 16-1-00788-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF RYAN W. WENDT

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 17-1-02567-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ELIZABETH RUIZ TAVERA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00022-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

FIFTH DAY, JANUARY 14, 2022

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CANDICE L. MCINTOSH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 20-1-00806-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DAWN PRESCOTT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 17-1-00321-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TANNER RAY MITCHELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 18-1-00259-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER A. HELMS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-00543-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF REBEKAH DOAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case Nos. 18-1-01360-39 and 18-1-01578-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHARNITZE CASEY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-01007-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRETT N. O'BRIEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 1.9-1-03425-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CODY HURWITZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court Case No. 19-1-01556-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
HEATHER MARSHALL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 20-1-00271-24, and in Douglas County Superior Court, Case No. 20-1-00090-09; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF AMANDA NICHOLAS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00752-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JOSEPH MICHAEL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 20-1-04646-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUSTIN BROWN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 17-1-02950-31 and 17-1-02951-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF ANGELA ANN SANTANA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-02330-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF BOBBY JOE JOHNDROW**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Ferry County Superior Court, Case No. 19-1-00023-10; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON WILSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-02597-0, and King County Superior Court, Case No. 15-1-07222-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL EUGENE OLSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 17-1-00738-08 and 18-1-00188-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JEREMY WARFIELD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 15-1-04074-1, 15-1-04828-8, 17-1-03642-1, 18-1-00563-0 and 21-1-00148-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23<sup>rd</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT ENGELHART**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-00399-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MARK LONG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-01700-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW LUQUETTE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clallam County Superior Court, Case Nos. 16-1-00397-3 and 17-1-00321-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF DANIEL WATSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 20-1-00170-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s)



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF KEVIN MCDOWELL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 17-1-01054-08 and 18-1-01547-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ERIC GRAHAM

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-01677-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

**UNCONDITIONAL COMMUTATION OF  
KURT HAWLEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-02188-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RUSSELL KIRWAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 18-1-01693-08 and 18-1-00771-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHESTER PEMBERTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case Nos. 16-1-00080-5 and 19-1-00313-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day January, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ROBERT GEORGE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 19-1-00082-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ANTHONY HOLM

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Kitsap County Superior Court, Case No. 18-1-00332-18; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRENDAN T. DALLA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 18-1-05368-32 and 19-1-01133-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AMANDA HULL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-00452-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRITTANY JUNGEN-BOND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-03911-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LUIS ALDABA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00244-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF SAMANTHA FIEDLER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-00354-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ANDREIS VALENCIA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 16-1-04533-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUSTIN BOYD

##### To All to Whom These Presents Shall Come, Greetings:

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 19-1-00039-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF JACOB SWAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04415-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF BERNIE CORKUM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Mason County Superior Court, Case Nos. 17-1-00433-23, 17-1-00444-23 and 19-1-00377-23; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LISA CHAMBLISS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-01117-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW HICKS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-03740-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERTO C. PEREZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-03073-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ASHLEY MARTINEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-01220-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LAUREN VASQUEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-00309-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
NOEL RUBIO-MADRIZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00187-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RYAN WEDGEWORTH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-02009-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MEAGHAN S STIVERSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-00038-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KENDRA SKOLD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-03076-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ASHLEY CRISWELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case Nos. 20-1-00213-13 and 20-1-00212-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GLEN GROVER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-01303-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL ONEIL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00341-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF THOMAS C. MYERS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-00652-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF DANIEL R. THOMPSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lincoln County Superior Court, Case No. 19-1-00023-22; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF NICHOLAS JACKSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00129-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JERRY KELLAM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 20-1-00173-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CLINTON HOWE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 13-1-02205-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHRISTOPHER STAFFORD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-00848-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL COCKING**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 14-1-01094-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANGELA HUSTED**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pacific County Superior Court, Case No. 19-1-00226-25; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW SMITH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-01513-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON BENNETT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-01841-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
WILLIE ARREDONDO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 15-1-00157-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHARLES L BOYER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 20-1-00162-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JOSEPH M. BRASCH

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-02350-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF SETH DEREK BRIGGS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 16-1-01114-8, 17-1-00162-1 and 17-1-00174-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF ANTHONY EARL BURR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 12-1-02536-8 and 13-1-00256-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF DAVID MICHAEL GARDNER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04147-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF MISHALESE TENEA JOHNSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 15-1-01060-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee

Governor

/s/

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JUDE LESINSKI**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 14-1-03513-7 and 15-1-02495-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CARLOS MANUEL LOPEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 17-1-00370-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TYRESE LOPEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-01062-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
AUSTIN MATTHIESEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-01041-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRINA MARIE MCCURTY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00096-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON MOWRY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 17-1-06012-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for

POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF TONY ALAN NEAL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00667-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF NATHAN OLDS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case Nos. 20-1-01611-06 and 20-1-02428-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF RONNY RODRIGUEZ PADILLA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-02212-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
STEPHANIE PARISH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Whatcom County Superior Court, Case No. 18-1-01560-37; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
FRANCISCA RABANG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 18-1-03102-0, 18-1-03118-6 and 18-1-03908-0; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RODRIGO ROBLEDO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Skagit County Superior Court, Case No. 19-1-01253-29; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JOAN MARIE SCHEUFFELE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case Nos. 17-1-02491-39 and 18-1-01198-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRYCE SHEPPARD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-02231-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF KRESTIAN WAGNER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04223-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ZANE RAY WILLIAMS JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 18-1-02596-7, 18-1-04074-5 and 20-1-10058-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CASSANDRA ALLENBY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 17-1-00537-5 and 17-1-00906-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW AYERS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00403-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GARTH BEAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 19-1-00133-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRIAN BOWENS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-06649-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary

FIFTH DAY, JANUARY 14, 2022  
 Assistant Secretary of State

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
 NICHOLAS A CASE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-03499-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
 Jay Inslee  
 Governor

/s/  
 Mark Neary  
 Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
 ARMANDO ZENON CAVAZOS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 18-1-01824-31 and 20-1-00023-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.



/s/  
 Jay Inslee  
 Governor

/s/  
 Mark Neary  
 Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
 KACIE LYNN CONMY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 16-1-01578-3 and 17-1-00343-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF LACEY CRISE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 18-1-00191-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF OPOWITY WAHAWA IYALL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-00057-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF IVAN HEDDEN

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 18-1-00003-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release

FIFTH DAY, JANUARY 14, 2022

the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF SARAH MARIE PITTS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00137-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF IAN COLE KNOX**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 19-1-00648-08 and 19-1-01147-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF ROBERT W HANCOCK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case Nos. 19-1-00043-02 and 19-1-00166-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JESSICA ROBERTA FONNER JOHNSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-03603-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUAN JOSE MELENA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 19-1-00093-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF ANGELA DELMA RAMOS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00271-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF ANTHONY SCOTT WEITMANN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. I 8-1-02843-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF MARC DAVID GILBERT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-01573-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF MELISSA GREGG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00157-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF STORMIE LEA COLEMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-00974-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



/s/  
Mark Neary  
Assistant Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

#### UNCONDITIONAL COMMUTATION OF ANGELA BAKER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-01306-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



/s/  
Mark Neary  
Assistant Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

#### UNCONDITIONAL COMMUTATION OF ANDREW WILLARD HERN JR.

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-02504-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MIGUEL ANGEL VIEYRA-GARCIA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-01261-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRAVIS LEE HARDEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 20-1-00253-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DARWIN GENE OVERBY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 14-1-00814-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF SCOTT JOSEPH MORRISON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 20-1-00106-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF MATHEW SIMON GAROUTTE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case Nos. 11-1-00436-1 and 13-1-00420-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State



FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
RONALD DOUGLAS CURTIS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 13-1-02328-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DEANTE ALLEN BROWN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 19-1-07392-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LEE CARTER CABALLERO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 20-1-00456-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.



/s/  
Jay Inslee

Governor

/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
AMY CARLEAN DECKNADEL****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case Nos. 19-1-01170-06 and 19-1-01836-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
JAMES DOUGLAS KELLY****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 08-1-02439-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State**UNCONDITIONAL COMMUTATION OF  
TRICIA JEAN LEE****To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-00481-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF JACOB DANIEL LEVEL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 18-1-00377-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF VERONICA LEANN NORRELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 20-1-00059-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF CHARLES DAVID PELISSIER JR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00252-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF NEIL ANDREW PILAND

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-02167-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF KLEE JO SEARCH

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 18-1-00414-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31<sup>st</sup> day of August, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF REGINALD BELL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case Nos. 06-1-07360-2 and 07-1-02671-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

**UNCONDITIONAL COMMUTATION OF JUSTIN LEE BUMBALOUGH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-01432-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF BRADFORD ROBERT BOULDEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clallam County Superior Court, Case No. 19-1-00515-05; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JESSICA ANNE BURNS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 20-1-00086-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CONRAD J EDWARDS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 13-1-02398-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF MATHEW IAN JAMES GEORGE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody; under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 14-1-01385-4, and in Pierce County Superior Court, Case No. 10-1-00999-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TRAVIS LEE HARSHBARGER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-01242-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROGER ALLEN HILLS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 17-1-01061-31 and 17-1-01675-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CORY RAYMOND MCARTHUR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-00416-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES AYALA MONTALVO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 11-1-12213-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF JASON MICHAEL ROBERT PEJSA

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013 (1), in Pierce Superior Court, Case No. 18-1-04655-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of January, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF PETER JERRY PICOLET

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 10-1-03263-2, 11-1-01506-0 and 15-1-02997-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CALEB RYAN RITZ

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Douglas County Superior Court, Case No. 16-1-00247-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA JAMES SANDERS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-01239-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
HANNAH NICOLE SIBBITS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04447-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson

Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DANIEL EARL ISAACSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-00029-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
SEPTEMBER L DENISON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 19-1-00122-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CASSANDRA R. HARDY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-03941-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KEA HENG IENG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 18-1-04645-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ADAM C. JOHNSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 19-1-00062-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MISTY KAYE MARLEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-01323-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOHNATHAN MICHAEL PETERSEN DAVIS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 20-1-00099-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JIM STEVEN SMITH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 18-1-00275-6, and in Yakima County Superior Court, Case No. 17-1-02350-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANTHONY J STANZIONE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case Nos. 17-1-00366-1 and 18-1-00059-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF SARAH ALEXANDRA TUCKER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02602-31; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson

Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF BOBBY BAZAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-01875-39; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF TRISTAN JONATHAN CARPENTER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-01277-39; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DAVID BRADBURY FOUNTAIN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lewis County Superior Court, Case No. 21-1-00030-21; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DILLON BLU FRISBIE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-00504-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JASON MICHAEL HARLAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 17-1-01450-08, 18-1-00039-08, 18-1-00863-08, and 18-1-01141-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MATHEW RYAN HENNEFORD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 16-1-04093- I; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JUAN CARLOS HERNANDEZ -HERNANDEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 20-1-03798-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHANCE MICHAEL HOLLAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-02874-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TOLERANCE RUSHING WATER JACKSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case Nos. 19-1-01719-39 and 20-1-01753-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GABRIEL THOMAS MARZANO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-04028-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDREW JOSEPH MAZUR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-03676-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JONNI MARISSA REBECCA REDDEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 15-1-02017-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRAVIS CLAY SPURRIER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-00584-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DONI DELEON SUMNER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 20-1-00326-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TERRY LEE WORLAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 12-1-03564-6 and 15-1-02302-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
SIERRA LINDSEY LECKENBY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-01372-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TY COLTEN HOBBIK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Walla Walla County Superior Court, Case No. 18-1-00008-1, and in Benton County Superior Court, Case No. 20-1-00074-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
PATRICK DILLON JACOBSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 19-1-01346-1 and 19-1-01502-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDRE DEVON MOORE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00066-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee,** by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF WILLIAM JOSEPH RUDLOFF

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 15-1-01946-0, 16-1-00524-6, and 17-1-03314-31; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee,** by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson

Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF ARDIS LAVELLE WILSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-01351-32; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee,** by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF OSWALDO MANUEL HERRERA

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-01441-39; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

FIFTH DAY, JANUARY 14, 2022

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CALVIN MILES MCCRACKIN**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-01592-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CALEN JOEL MCLLOUD**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 17-1-00773-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ANDRES MEDINA-WILLIS**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a

judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 19-1-00958-31 and 19-1-01697-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF MARGARETE MUSSELMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case Nos. 19-1-00055-02 and 19-1-00123-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DAVID CHRISTOPHER PITTS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-06222-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF YVONNE MARGARET DAUTERMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-02153-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF ELIZABETH FERNANDEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 19-1-01668-31 and 20-1-00108-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF JACOB E. JOHNSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment-and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pacific County Superior Court, Case No. 19-1-00096-25; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
WILLBERT SANCHEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-01369-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TYRELL DAVON SINGLETON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-02525-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
PHILLIP JOHN ZADURSKI**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 09-1-02509-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of September, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRANDON LEE WOLF**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-01488-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA DALE CORNWALL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00151-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON LEE FRIO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-00988-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RICHARD LAMONT GOSSETT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-01469-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RONNIE FRANK GUTIERREZ JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-02301-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s).

Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JORGE JUSTO-DELAP AZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-01357-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DERICK LEVI MARTINEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 16-1-02038-39; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and**

**WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and**

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson

Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
NICHOLAS WILLIAM MILLER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 17-1-00629-39; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and**

**WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and**

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TITO MALUA PENEUETA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 15-1-00008-3 and 15-1-01592-34; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because**

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF RICHARD EFREN RAMOS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 20-1-00338-03 and 20-1-00016-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JESUS TORRES JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 18-1-00732-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ADRIAN MARCUS VILLARREAL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-00641-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JUSTICE ELIJAH BECK**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 18-1-01131-03 and 19-1-00794-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF CLIFTON BERNARD BOYD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 09-1-04906-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF SHAWN R COTTINGHAM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 18-1-02534-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF ANTONIO GODFREY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case Nos. 17-1-05884-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF ROBERT SCOTT INGRAM

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 15-1-05070-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
JORDAN NICOLAS MCKINNEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 16-1-02207-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RACHEL LEELA ORR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Jefferson County Superior Court, Case No. 18-1-00201-16; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL DANIEL VALENTINE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 20-1-00023-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee



Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CRYSTAL DAWN VAUGHN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-00618-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DANIEL LORANCE WESTERBY**

**To All Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 20-1-01010-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CESAR DAVID CAMACHO-AMEZCUA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 17-1-02246-31, 17-1 02810-31 and 18-1-02761-3 1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL PATRICK CARGILL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County, Superior Court, Case No. 12-1-02191-5, and in Spokane County Superior Court, Case No. 17-1-04506-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
PATRICK EARL FARNHAM**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a

judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 18-1-01163-03 and 19-1-01414-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TONY GONZALES**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 18-1-00778-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for

POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JONATHAN M RODRIGUEZ

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Whatcom County Superior Court, Case No. 14-1-00574-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER MICHAEL URG

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 03-1-06603-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF LAWRENCE EDWARD WINGARD JR.

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-02189-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF LEROY K BERRA**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-04817-32; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson

Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF WILLIAM ELLIS BRINTON**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 16-1-03517-6; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF CLARENCE EDWIN DANIELS**

To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-00967-1; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRIAN ADAM GALLAGHER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 20-1-01278-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DAVID PAUL GILLIGAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00855-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LUCAS BLAS MANGLONA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 11-1-00152-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT CHRISTIAN SAWYER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-00240-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KELSEY RENEE SHARP**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-00669-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JENNIFER RENEE TOMLINSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-03033-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JENNIFER RENEE HILF

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Kitsap County Superior Court, Case No. 16-1-00857-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JACOB LEWIS KOOPMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-01708-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF  
MICHAEL THORVALD LAURSEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 12-1-01723-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TRAVIS ANTHONY THOMAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02030-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ARIANA JANINE YAZZIE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-01250-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 7<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee

Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JEROD LEE ANDERSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Skagit County Superior Court, Case No. 19-1-01440-29, and in Snohomish County Superior Court, Case No. 18-1-03129-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/

Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROBERT FARRELL ARMSTRONG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 12-1-00095-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/

Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MELISSA SUE BRETZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-00303-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
STEPHANIE LORRAINE EHLERT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-04683-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DANIEL ALFREDO GUZMAN COREAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 17-1-00296-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MATTHEW COLE LEBLANC**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 20-1-00227-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under

RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CRYSTAL SHAWNTA RECIO

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-00130-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF BRANDON MICHAEL REYNOLDS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-01364-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF STANLEY JUNIOR RICHARDSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Stevens County Superior Court, Case No. 19-1-00263-33; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

FIFTH DAY, JANUARY 14, 2022

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
GENARO MEDINA RIVAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lewis County Superior Court, Case No. 17-1-00616-21; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ROMAN ISAIAH VALDEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 20-1-00019-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
THOMAS LAVERN BOGART JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 15-1-01805-6 and 15-1-01947-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF KEVIN ANDREW DICKEY

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 20-1-00522-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTIAN PAUL MATTSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 17-1-01435-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF DUNCAN P MEAD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-03644-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES VINCENT MITCHELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Skagit County Superior Court, Case No. 12-1-00365-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CORY GENE NAGEL-FRAGA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-00361-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MIRANDA ROSE SENATOR-STAHN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 18-1-00087-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CASSANDRA LEE NIQUETTE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 16-1-02463-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CODY JAMES HUNSAKER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 16-1-00946-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF SALVADOR OROZCO URENA

##### To All to Whom These Presents Shall Come, Greetings:

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case Nos. 18-1-00340-39 and 19-1-00463-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JAMES MYLES KILLIAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-00721-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LEONARD DOYLE BOLICH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-02157-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JUSTIN FLAMMINGST AR MARTINEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 13-1-01601-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RICHARD LAWRENCE RAYNER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 13-1-01502-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DONALD WILLIAM PARSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 15-1-01056-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MONTE TEFFT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case Nos. 18-1-01661-08, 19-1-00476-08 and 19-1-01308-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHANELLE BERTHA LIVINGSTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 16-1-01628-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL WADE AUVIL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 16-1-01472-34, and in Pierce County Superior Court, CaseNo.18-1-01538-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
NAMIR U MCBEAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Whatcom County Superior Court, Case Nos. 16-1-01627-1 and 17-1-00526-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ALISA DOREEN RICE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 18-1-00056-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRIANNA RODRIGUEZ**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clallam County Superior Court, Case No. 17-1-00148-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ERIC ANDREW ANDERSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 15-1-01148-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ASHLEA ANN FRAKER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Garfield County Superior Court, Case No. 20-1-00005-12; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL DAVID HANSEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-01343-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF CIERA MICHELLE RAYMOND

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-00411-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF GARY LEE MATHIS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-02346-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF MICAH ALEXANDER MERFELD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-02095-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF CHRISTOPHER DEAN KNAPTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Ferry County Superior Court, Case Nos. 17-1-00044-2 and 19-1-00037-10; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF KRISTIN ELISE JACOBSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00298-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF KRYSTAL CHRISTINE ALBERS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-01249-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### UNCONDITIONAL COMMUTATION OF VERNIE WESTLEY REED JR.

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-03849-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



/s/  
Mark Neary  
Assistant Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

#### UNCONDITIONAL COMMUTATION OF JOSEPH J RICHTER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Columbia County Superior Court, Case No. 16-1-00007-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



/s/  
Mark Neary  
Assistant Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

#### UNCONDITIONAL COMMUTATION OF XAVIER JOVUGHN SMITH

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 17-1-07865-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ERIC GIL ROBINSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-06968-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MESHION M. WOODRUFF**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 19-1-00692-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
WAHKUNA W BIXBY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 19-1-00705-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL W FLOYD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 15-1-03001-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
VICTORIYA MIKHAILOVNA TARASENKO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-02358-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF STEVEN ROBERT BROKOFSKY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 18-1-02878-31 and 18-1-03172-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 14<sup>th</sup> day of January, A.D., two thousand and twenty-two.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of January, A.D., two thousand and twenty-two.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ABEL CAMACHO-VERGARA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-01984-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JACQUELINE KRISTINE BOOTH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-03131-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MARQUEZ TYRONE LLOYD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 15-1-02396-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DANIEL WAYNE PETERSEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 18-1-02273-34 and 19-1-00680-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KADI MICHELLE AVERHART**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-00446-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KENNETH ALLEN TAYLOR**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 17-1-02830-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TIMOTHY JONATHON THOMAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 19-1-04812-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRIAN DONALD LORENTZEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 16-1-03356-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF HEATHER C FRANCIS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 14-1-00167-6; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF MATTHEW PAUL DEWAAL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 15-1-01458-9; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER P ROBBINS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-02551-0; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions- and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL GARY SCHADEMAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 14-1-00473-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee



Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRANDON RANDOLPH SIDPLEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-02145-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL JAMES WRIGHT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 11-1-00353-5, 12-1-01177-3, 18-1-00989-34 and 13-1-01320-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF ROBERT RYLAND MILES

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-04515-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF CHRISTOPHER RONALD JAMES BESSETTE

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00787-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF KATELYNN SOPHIA TEETER-ROCK

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 19-1-00173-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF RICHARD ALLAN AUSTIN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-02524-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF MITCHELL TAYLOR KINGSLEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 14-1-02551-0; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ROSENDO SANCHEZ-ORNELAS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Douglas County Superior Court, Case No. 17-1-00068-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DAVID ALLEN SILLS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 18-1-00451-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TERRANCE RD PIGOTT

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-02111-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**UNCONDITIONAL COMMUTATION OF WISDOM CHANCE JERRED**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-02081-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF THOMAS LEE ALLEN JENNINGS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Franklin County Superior Court, Case Nos. 13-1-50565-6 and 16-1-50489-11, and in Benton County Superior Court, Case No. 17-1-01273-8; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON OF CRYSTAL LEE COLLEY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, Crystal Lee Colley was found guilty of MARIJUANA POSSESSION in Thurston County District Court, Case No. CI 1767TC, a misdemeanor offense.

**WHEREAS**, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

**WHEREAS**, this is the only criminal conviction on the petitioner's record.

**WHEREAS**, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

**NOW, THEREFORE, I, Jay Inslee**, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Crystal Lee Colley this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Thurston County District Court, Case No. CI 1767TC.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26<sup>th</sup> day of March, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON OF SAMANTHA LEIGH ICE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, Samantha Leigh Ice was found guilty of MARIJUANA POSSESSION in Snohomish County District Court, Case No. C00042768, a misdemeanor offense.

**WHEREAS**, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

**WHEREAS**, this is the only criminal conviction on the petitioner's record.

**WHEREAS**, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Samantha Leigh Ice this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Snohomish County District Court, Case No. C00042768.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of April, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON OF  
MICHAEL SCOTT KNEELAND**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, Michael Scott Kneeland, also known as Michael John Parker, was found guilty of MARIJUANA POSSESSION in West Klickitat District Court, Case No. C00306636, a misdemeanor offense.

**WHEREAS**, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

**WHEREAS**, this is the only criminal conviction on the petitioner's record.

**WHEREAS**, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Michael Scott Kneeland this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in West Klickitat District Court, Case No. C00306636.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of April, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary

Assistant Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA L BEDARD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Asotin County Superior Court, Case No. 17-1-00140-02; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LEREA MARILLA HOGAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 16-1-00404-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRANDON THOMAS GEISSLER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-01569-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.



/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
PARIS CHRISTIAN SHARPE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 18-1-00108-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MARSHA LEANNE TERRASI**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 14-1-01230-0 and 16-1-01200-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TALASIMU MAXINE TAYLOR

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-00563-4; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF MARIAH LOVREE KNIGHT

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-02210-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF TRAVIS SCOTT HINTZ

#### To All to Whom These Presents Shall Come, Greetings:

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 18-1-00327-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KYLE LEE CHEERS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-03247-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant

to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
HALLIE MICHELLE FJERMEDAL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00424-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOHN ALEX FULCHER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00581-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
SHELBY PATRICK HOGAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 16-1-01767-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KRISTOPHER JAMES PHILLIPS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00837-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
QUAYSHAUN DUMARS BRECKENFELD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-04794-3; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
THOMASROYBORNOTY**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Douglas County Superior Court, Case No. 19-1-00160-09; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/

Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
IAN ALEXANDER RIEBE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 20-1-00032-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RANDY ARTHUR FJELD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Lewis County Superior Court, Case No. 17-1-00047-21; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHELSEA RAVEN BUSSANICH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

pursuant to RCW 69.50.4013(1), in Cowlitz County Superior Court, Case No. 19-1-00678-08; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JACOB CARL STOMBERG**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 16-1-01727-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I

FIFTH DAY, JANUARY 14, 2022

authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ANTHONY OWEN ROBERTS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 18-1-01420-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ANTHONY EUGENE HENDERSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 17-1-02364-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ALAN SCOTT RIDGWAY JR.**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 15-1-00711-8, 16-1-00546-6 and 18-1-01056-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF BROOKLYN MARIE WYMAN

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-01626-31; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and**

**WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and**

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JOSHUA ARTHUR COX WILSON

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case Nos. 19-1-02459-5 and 19-1-00845-0; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and**

**WHEREAS, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and**

**NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).**



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF SHYAN A JONES

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-02034-32; and**

**WHEREAS, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and**

**WHEREAS, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and**

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MICHAEL FRANCIS MULICH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 19-1-01478-6; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee



Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JUAN CARLOS ARROYO**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 20-1-00616-03; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
RAYMOND JEROME FRANETICH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 16-1-01592-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF SALVADOR GONZALES JR.

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 17-1-02180-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE**, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JEREMY DEAN KIMBRELL

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 19-1-01422-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor

/s/  
Sheri D. Nelson  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JEROME MICHAEL MEAD

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00706-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MAKENZEE KAY PIERCE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 18-1-00117-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30<sup>th</sup> day of November, A.D., two thousand and nineteen.

/s/  
Jay Inslee  
Governor



/s/  
Sheri D. Nelson  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ERNEST ANDERS HOLMES**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Franklin County Superior Court, Case No. 18-1-50351-11; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued *State v. Blake*, . 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the *Blake* decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the *Blake* decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor



/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
BRITTANY BREANN CHAMPION**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 18-1-01910-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF GARRETT LEIGH MORGAN

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 17-1-02698-1, 18-1-00022-1 and 18-1-01658-5; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF GARY GLEN OLSEN

#### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 17-1-00094-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
ERIC DANIEL DEANE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grant County Superior Court, Case No. 19-1-00525-13; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
LIONEL ELIAS WHITE**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 20-1-10179-32, and in Yakima County Superior Court, Case No. 13-1-01575-2; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DOMINIQUE DESHUN BOSWELL**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00975-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOLENE RAY GORSUCH**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case Nos. 12-1-01175-7, 15-1-00677-4 and 17-1-00602-9; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
MONIQUE SHERICA NAIRN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody

solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-02138-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/

Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JOSHUA EUGENE CAMPOS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Island County Superior Court, Case No. 19-1-00186-15; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
TAJH VONDESE WARD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 18-1-00165-34, 18-1-01013-34, 18-1-01392-34, 18-1-01414-34 and 18-1-01440-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
EMILIO ALEJANDRO MORA**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Okanogan County Superior Court, Case No. 20-1-00274-24; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON JAMES DAVIS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 19-1-02247-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF DAVID ALEXANDER SEVIER

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-02188-1; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF KAYL SPENCER DAVIS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Pierce County Superior Court, Case No. 17-1-03560-4; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS,** I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I,** Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

#### UNCONDITIONAL COMMUTATION OF JUSTIN LEWIS ADAMS

##### To All to Whom These Presents Shall Come, Greetings:

**WHEREAS,** the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case No. 18-1-00767-31; and

**WHEREAS,** on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS,** the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DYLAN JAMES VON OLNHAUSEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Benton County Superior Court, Case No. 16-1-00445-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee

Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
PAUL GALLARON HATFIELD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 18-1-00148-31, 17-1-01063-31 and 17-1-01064-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JEANNIE BLACKDEN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-00697-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due

process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF ANTHONY W BLUEBIRD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case Nos. 17-1-02211-34 and 19-1-00456-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF JOSEPH RICHARD CAIETTI**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case No. 18-1-01755-7; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF KENDALL TODD ALSTON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance

FIFTH DAY, JANUARY 14, 2022

2022 REGULAR SESSION

pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 13-1-10917-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JALEN DEARONNE FORD**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in King County Superior Court, Case No. 20-1-01788-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause

number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KENNY BURRELL GIPSON**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 17-1-00432-34, and in Snohomish County Superior Court, Case No. 19-1-00354-31; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.



/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
KELSY RAEANN HARNESS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Clark County Superior Court, Case No. 19-1-03451-06; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JEREMIAH MARKUS PALMATIER**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Thurston County Superior Court, Case No. 19-1-01949-34; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
VINCENT MICHAEL WILLIAMS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Spokane County Superior Court, Case Nos. 20-1-10243-32 and 20-1-10263-32; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
CHRISTOPHER MICHAEL HARRIS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Snohomish County Superior Court, Case Nos. 14-1-00913-0 and 14-1-00912-1; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JASON DANIEL SCHMITT**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 16-1-02246-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170,481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because

no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
JERALD MARVIN BROOKS**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Yakima County Superior Court, Case No. 17-1-01032-39; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**UNCONDITIONAL COMMUTATION OF  
DILLON R FLANNIGAN**

**To All to Whom These Presents Shall Come, Greetings:**

**WHEREAS**, the above-referenced individual is currently in Washington State Department of Corrections custody, under a judgment and sentence(s) imposing a term of community custody solely for conviction(s) of possession of a controlled substance pursuant to RCW 69.50.4013(1), in Grays Harbor County Superior Court, Case No. 17-1-00517-14; and

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court issued State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1) violates the due process clauses of the United States and Washington Constitutions and is void; and

**WHEREAS**, the Department of Corrections must legally continue to enforce the judgment and sentence order(s) because no court has yet to apply the Blake decision to this individual's judgment and sentence(s); and

**WHEREAS**, I am concerned about the continued enforcement of judgment and sentence orders imposed solely for convictions under RCW 69.50.4013(1), in light of the Blake decision; and

**NOW, THEREFORE, I**, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to the above-referenced petitioner this UNCONDITIONAL COMMUTATION with respect to the conviction(s) for POSSESSION OF A CONTROLLED SUBSTANCE, under RCW 69.50.4013, relating to the above-referenced cause number(s). Pursuant to this unconditional commutation, I authorize the Department of Corrections to immediately release the petitioner from any remaining supervision and to cease collecting legal financial obligations relating to this conviction(s).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22<sup>nd</sup> day of December, A.D., two thousand and twenty-one.

/s/  
Jay Inslee  
Governor

/s/  
Randy Bolerjack  
Deputy Secretary of State

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5861 by Senators Liias and Robinson

AN ACT Relating to housing benefit districts; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Housing & Local Government.

SB 5862 by Senators Lovelett and Rivers

AN ACT Relating to technical changes to the commercial property assessed clean energy and resiliency program; and amending RCW 36.165.060.

Referred to Committee on Environment, Energy & Technology.

SB 5863 by Senators Saldaña and Liias

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; and amending RCW 46.55.010 and 46.55.080.

Referred to Committee on Transportation.

SB 5864 by Senators L. Wilson and Dozier

AN ACT Relating to unemployment eligibility for certain unvaccinated employees; amending RCW 50.20.010, 50.20.050, and 50.29.021; reenacting and amending RCW 50.20.050; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5865 by Senator Sheldon

AN ACT Relating to establishing recreational target shooting areas on public lands; amending RCW 4.24.210; and creating a new section.

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

SB 5866 by Senators Robinson and Randall

AN ACT Relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes; and amending RCW 74.39A.090, 74.39A.095, 74.39A.515, 74.09.520, and 74.39A.009.

Referred to Committee on Health & Long Term Care.

SB 5867 by Senator Fortunato

AN ACT Relating to compassionate and effective strategies to address the homelessness crisis; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5868 by Senators Hawkins and Kuderer

AN ACT Relating to expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing; and amending RCW 82.14.370.

Referred to Committee on Housing & Local Government.

SB 5869 by Senators Lovick and Dhingra

AN ACT Relating to photographs, digital photographs, microphotographs, videotapes, other recorded images, or

other records identifying a specific instance of travel from toll systems and traffic safety cameras; amending RCW 46.63.160, 46.63.170, and 46.63.170; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5870 by Senators Frockt and Pedersen

AN ACT Relating to the uniform college athlete name, image, or likeness act; amending RCW 42.56.270; adding a new chapter to Title 63 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5871 by Senator J. Wilson

AN ACT Relating to establishing a pilot project to authorize certificated teachers to operate microschools; amending RCW 28B.76.526; adding a new chapter to Title 28A RCW; and providing an expiration date.

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

SB 5872 by Senator Brown

AN ACT Relating to recognizing that power plants that comply with the state greenhouse gas emissions performance standard are consistent with Washington's long-term policy for electricity; amending RCW 19.405.050 and 80.80.050; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5873 by Senator Keiser

AN ACT Relating to unemployment insurance, family leave, and medical leave premiums; amending RCW 50.29.025, 50.29.070, and 50A.10.030; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1122 by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

AN ACT Relating to the retirement age for state guard members; amending RCW 38.16.015; and declaring an emergency.

Referred to Committee on State Government & Elections.

SHB 1124 by House Committee on Health Care & Wellness (originally sponsored by Cody)

AN ACT Relating to nurse delegation of glucose monitoring, glucose testing, and insulin injections; amending RCW 18.79.260; reenacting and amending RCW 18.79.260; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 1141 by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez)

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; adding a new section to chapter 70.41 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 1329 by House Committee on Local Government (originally sponsored by Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson)

AN ACT Relating to public meeting accessibility and participation; amending RCW 42.30.010, 42.30.030, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; and creating new sections.

Referred to Committee on State Government & Elections.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5869 which had been designated to the Committee on Transportation and was referred to the Committee on Law & Justice.

At 12:33 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:45 a.m. Monday, January 17, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Monday, January 17, 2022

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Rhys Franklin led the Senate in the Pledge of Allegiance. Mr. Franklin is the son of Senator Nobles.

The prayer was offered by Senior Pastor Dr. Eric D. Jackson, Sr. of New Life Baptist Church, Lacey.

Miss Tiffany Hammonds performed *Lift Every Voice and Sing*. Miss Hammonds was the guest of Senator Nobles.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 14, 2022

SB 5506 Prime Sponsor, Senator Kuderer: Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 14, 2022

SB 5512 Prime Sponsor, Senator Honeyford: Designating a state nickname. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 14, 2022

SB 5615 Prime Sponsor, Senator Lovick: Designating pickleball as the official state sport. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 14, 2022

SGA 9288 KAREN JOHNSON, appointed on March 8, 2021, for the term ending at the governor's pleasure, as Director of the Washington State Office of Equity. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MESSAGES FROM THE HOUSE

January 14, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

January 14, 2022

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8404.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

January 14, 2022

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1052,

HOUSE BILL NO. 1172,

HOUSE BILL NO. 1430,

SUBSTITUTE HOUSE BILL NO. 1508,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

January 14, 2022

MR. PRESIDENT:

The House has passed

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5874 by Senators Nobles and Randall

AN ACT Relating to students affiliated with the military; and amending RCW 28B.15.012.

Referred to Committee on Higher Education & Workforce Development.

SB 5875 by Senator Nguyen

AN ACT Relating to adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act; and amending RCW 51.32.181.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5876 by Senators Short and Nguyen

AN ACT Relating to noise standards for providers of essential services; amending RCW 70A.20.020, 70A.20.030, 70A.20.050, and 70A.20.060; adding a new section to chapter 70A.20 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5877 by Senator Conway

AN ACT Relating to antidiscrimination policies in institutions of higher education; amending RCW 28B.92.030; and adding a new section to chapter 28B.92 RCW.

Referred to Committee on Law & Justice.

SB 5878 by Senators Rolfes and Wellman

AN ACT Relating to visual and performing arts instruction; amending RCW 28A.230.020; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SB 5879 by Senator Dozier

AN ACT Relating to requiring insurers who use credit information to provide reasonable exceptions to insurance rates for consumers experiencing extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Business, Financial Services & Trade.

SB 5880 by Senators Salomon and Conway

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.080, 18.160.110, 18.160.120, 18.270.050, 18.270.070, and 18.270.900; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Business, Financial Services & Trade.

SB 5881 by Senator Lovick

AN ACT Relating to doxing; adding a new section to chapter 9.61 RCW; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5882 by Senators Muzzall and Mullet

AN ACT Relating to clarifying the existence of riparian stock watering rights; amending RCW 90.03.010; and creating a new section.

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

## MOTIONS

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

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

## MOTION

Senator Nobles moved adoption of the following resolution:

SENATE RESOLUTION  
8634

By Senators Nobles, Saldaña, Billig, Braun, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Muzzall, Pedersen, Robinson, Salomon, Schoesler, Sefzik, Trudeau, Warnick, C. Wilson, and J. Wilson

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King, Jr., who became a beacon of hope for actualizing racial equality in our nation; and

WHEREAS, 2022 marks the 54th anniversary of Dr. King's murder; and

WHEREAS, Dr. King used his gift of oration to awaken America to the struggles of disenfranchised communities, particularly African-Americans, through nonviolent means; and

WHEREAS, Dr. Martin Luther King, Jr., encouraged others through his dedication to achieving equality. He once said, "Life's most persistent and urgent question is: What are you doing for others?"; and

WHEREAS, Dr. King believed that a person's worth should be measured not by his or her color, culture, or class but rather by his or her commitment to making life better for all through service rendered to each other; and

WHEREAS, We mourn the loss of former Black and African American senators who not only tirelessly served in the Legislature, but paved the way for many to follow in their paths; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped transform America; and

WHEREAS, Black communities have been disproportionately affected by the effects of the coronavirus pandemic; and

WHEREAS, An immense public outcry and movement that followed the police killing of George Floyd – a Black man – continues to call for immediate real actions toward eliminating systemic racism and police brutality; and

WHEREAS, Dr. King's steadfast pursuit of fairness encouraged others, as exemplified in his famous "Letter from Birmingham Jail," in which he said, "Injustice anywhere is a threat to justice everywhere.";

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King, Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by condemning racism in all its forms and advancing a more perfect union where all people experience fair treatment under our laws.

Senators Nobles, Fortunato, Wellman, Saldaña, Trudeau, Das, Lovelett and C. Wilson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

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

#### MOTION

At 12:27 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Tuesday, January 18, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Tuesday, January 18, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

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

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

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

REPORTS OF STANDING COMMITTEES

January 17, 2022

SB 5496 Prime Sponsor, Senator Muzzall: Concerning health professional monitoring programs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5496 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 17, 2022

SB 5508 Prime Sponsor, Senator Liias: Concerning the insurance guaranty fund. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 17, 2022

SB 5529 Prime Sponsor, Senator Cleveland: Concerning self-directed care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 17, 2022

SB 5581 Prime Sponsor, Senator Wellman: Addressing pupil transportation allocations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 17, 2022

SB 5595 Prime Sponsor, Senator Wellman: Concerning prototypical school formulas for physical, social, and emotional support in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5595 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

January 17, 2022

SGA 9296 TIMOTHY J. FARRELL, reappointed on April 30, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

January 17, 2022

SGA 9340 HESTER SEREBRIN, reappointed on September 2, 2021, for the term ending June 30, 2027, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### INTRODUCTION AND FIRST READING

**SB 5883** by Senators Trudeau, Keiser, Billig, Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and C. Wilson

AN ACT Relating to an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries; and amending RCW 7.70.065.

Referred to Committee on Law & Justice.

**SB 5884** by Senators Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña and C. Wilson

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

**SB 5885** by Senators Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes

AN ACT Relating to marine shoreline habitat; amending RCW 77.55.231; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Environment, Energy & Technology.

**SB 5886** by Senators Holy, Frockt, Keiser, Kuderer, Lias, Lovick, Muzzall, Nobles, Rivers, Rolfes, Stanford, Trudeau, Van De Wege and Warnick

AN ACT Relating to creating an advisory council on rare diseases; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

**SB 5887** by Senator Fortunato

AN ACT Relating to providing procedures for the legislature to convene a special session; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government & Elections.

**SB 5888** by Senators Rivers, Cleveland, Hasegawa and Nobles

AN ACT Relating to cost-sharing fairness; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

**SB 5889** by Senators Das, Lovelett, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña, Trudeau and C. Wilson

AN ACT Relating to insurance coverage for an annual mental health wellness exam; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

**SB 5890** by Senators Keiser, Conway, Dhingra, Hasegawa, Kuderer, Lovick, Nobles, Saldaña, Stanford, Wellman and C. Wilson

AN ACT Relating to clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility; amending RCW 51.32.187; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**SB 5891** by Senators Conway, Keiser, Hasegawa, Hunt, Nobles and Saldaña

AN ACT Relating to warehouse distribution centers; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**SB 5892** by Senators Brown, Conway, Honeyford, King, Lovick, Short, Van De Wege, Warnick, Wellman, C. Wilson, J. Wilson and L. Wilson

AN ACT Relating to establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

**SB 5893** by Senator Padden

AN ACT Relating to tort modernization; amending RCW 4.24.005; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

**SB 5894** by Senators Frockt, Conway, Hasegawa, Nguyen, Nobles, Robinson and C. Wilson

AN ACT Relating to integrating behavioral health in primary care through the use of health navigators and a primary care collaborative; amending RCW 74.09.010; adding a new section to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long Term Care.

**SB 5895** by Senators Frockt and Mullet

AN ACT Relating to timing restrictions for remedial action grants to local government; amending RCW 70A.305.190; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

**SB 5896** by Senators Sefzik, Lovelett, Carlyle, Fortunato, Frockt, Honeyford, Lias, Lovick, Nobles, Randall,

NINTH DAY, JANUARY 18, 2022

2022 REGULAR SESSION

Saldaña, Salomon, Schoesler, Warnick, Wellman, J. Wilson and L. Wilson

AN ACT Relating to requiring the department of enterprise services to report on the use of electricity to recharge vehicles at state office locations; and amending RCW 43.01.250.

Referred to Committee on State Government & Elections.

SB 5897 by Senators Sefzik, L. Wilson, Braun, Fortunato, Honeyford, Muzzall, Padden, Wagoner and Warnick

AN ACT Relating to a temporary suspension of the state motor vehicle fuel tax; amending RCW 82.38.030; adding a new section to chapter 82.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1052 by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

AN ACT Relating to group insurance contract performance standards; amending RCW 48.30.140 and 48.30.150; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1172 by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

AN ACT Relating to recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources; creating a new section; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, and 77.110.900.

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

ESHB 1333 by House Committee on Finance (originally sponsored by Tharinger, Steele, Hackney and Lekanoff)

AN ACT Relating to providing an extension to the local sales and use tax for public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Housing & Local Government.

ESHB 1357 by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

AN ACT Relating to voters' pamphlets for overseas and service voters; amending RCW 29A.40.020, 29A.32.260, and 29A.72.025; and creating new sections.

Referred to Committee on State Government & Elections.

HB 1430 by Representatives Kloba and Klicker

AN ACT Relating to the duration of state upland leases for lands managed by the department of natural resources; and amending RCW 79.13.060.

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

SHB 1508 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman and Pollet)

AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

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

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5883 which had been designated to the Committee on Higher Education & Workforce Development and was referred to the Committee on Law & Justice.

At 12:33 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Wednesday, January 19, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## TENTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, January 19, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Ximena Juarez of Lake Washington High School led the Senate in the Pledge of Allegiance. Miss Juarez was a guest of Senator Dhingra.

Pastor Chris Rule, Orting Community Baptist Church offered the prayer.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 18, 2022

SB 5602 Prime Sponsor, Senator Mullet: Concerning service providers working with state-regulated financial institutions. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frock; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 18, 2022

SB 5607 Prime Sponsor, Senator Wilson, L.: Including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Sefzik; Trudeau and Wilson, J.

Referred to Committee on Rules for second reading.

January 18, 2022

SB 5787 Prime Sponsor, Senator Nguyen: Concerning the linked deposit program. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frock; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## INTRODUCTION AND FIRST READING

SB 5898 by Senators Liias, King and Saldaña

AN ACT Relating to the use of vehicle-related fees to fulfill certain state general obligation bonds; amending RCW 47.10.883, 47.10.884, 47.10.885, 47.10.876, 47.10.877, 47.10.878, 47.10.864, 47.10.865, 47.10.866, 47.10.846, 47.10.847, 47.10.848, 47.10.838, 47.10.839, 47.10.841, 47.26.504, 47.26.505, 47.10.822, 47.10.823, 47.10.824, 47.10.815, 47.10.816, 47.10.817, 47.02.160, 47.02.170, 47.02.190, 47.26.424, 47.26.4252, 47.26.4254, 47.26.4255, and 39.53.120; adding a new section to chapter 47.10 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5899 by Senators Liias, Pedersen, Kuderer, Mullet and Saldaña

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 520 corridor; amending RCW 47.01.412; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 5900 by Senators Van De Wege, Keiser, Conway, Hasegawa, Lovick, Randall and Saldaña

AN ACT Relating to creating a provisional paramedic or emergency medical technician license; amending RCW 18.73.081 and 18.71.205; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health & Long Term Care.

SB 5901 by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

AN ACT Relating to economic development tax incentives for targeted counties; amending RCW 82.08.820 and 82.12.820; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5902 by Senator Wellman

AN ACT Relating to the implementation of high school graduation credit requirements; amending RCW 28A.230.090, 28A.230.300, 28A.230.215, 28A.230.310, 28A.230.320, 28A.655.250, and 28A.300.900; creating a new section; and repealing RCW 28A.655.270.

TENTH DAY, JANUARY 19, 2022

2022 REGULAR SESSION

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

SB 5903 by Senators Billig, Rivers, Das, Dhingra, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Randall, Saldaña, Trudeau and Wellman

AN ACT Relating to providing multimodal transportation options at drive-up services; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5904 by Senators Das, Nobles, Lovelett, Nguyen, Rolfes and Saldaña

AN ACT Relating to requiring fashion retail sellers and manufacturers to disclose environmental and social due diligence policies; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5905 by Senators Hunt, Nguyen and Saldaña

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 5906 by Senators Cleveland, Rivers, Stanford and Wilson, L.

AN ACT Relating to health plan coverage for contralateral prophylactic mastectomies; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 5907 by Senators Wilson, J., Lovick, Fortunato, Lovelett, Randall, Saldaña, Stanford and Wilson, L.

AN ACT Relating to roadside safety measures and public awareness of emergency vehicles providing roadside assistance; amending RCW 46.61.212; adding new sections to chapter 46.61 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5908 by Senators Lias, Carlyle, Hunt, Nguyen and Saldaña

AN ACT Relating to creating the clean car authority as a new state government agency; adding a new section to chapter 41.06 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Elections.

SB 5909 by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford

AN ACT Relating to legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts; amending RCW 43.06.210, 43.06.220, and 43.79.270; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government & Elections.

SB 5910 by Senators Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford

AN ACT Relating to accelerating the availability and use of renewable hydrogen in Washington state; amending RCW 80.50.020, 54.04.190, 35.92.050, 82.08.816, 82.12.816, and 82.29A.125; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.16 RCW; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5911 by Senators Cleveland, Keiser, Billig, Conway, Das, Lovelett, Lovick, Nguyen, Randall, Saldaña, Stanford and Trudeau

AN ACT Relating to providing hazard pay retention bonuses to certain health care employees; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5912 by Senators Sefzik, Braun, Fortunato, Honeyford, Muzzall, Nguyen, Randall, Robinson and Short

AN ACT Relating to improving health outcomes for children on medicaid by ensuring early and periodic screening, diagnosis, and treatment; and amending RCW 74.09.470.

Referred to Committee on Health & Long Term Care.

SB 5913 by Senators Sefzik, Braun, Brown, Dozier, Fortunato, Gildon, Holy, McCune, Muzzall and Wilson, J.

AN ACT Relating to property tax relief for senior citizens and service-connected disabled veterans; amending RCW 84.36.383 and 84.36.385; and creating new sections.

Referred to Committee on Ways & Means.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5913 which had been designated to the Committee on Business, Financial Services & Trade and was referred to the Committee on Ways & Means.

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

## MOTION

Senator Hunt moved adoption of the following resolution:

## SENATE RESOLUTION 8635

By Senators Hunt, Robinson, Das, Dhingra, Hasegawa, Lovick, Nobles, Randall, Saldaña, Wellman, and C. Wilson

WHEREAS, When The Evergreen State College's first class entered in 1971, the college was seen by many as a grand experiment; and

WHEREAS, Former Governor and United States Senator Daniel J. Evans signed legislation authorizing the formation of

the college and played a key role in shaping the college as Evergreen President; and

WHEREAS, The creation of a four-year public college that prioritized teaching and learning over grades or majors signaled that the people were ready to explore new possibilities for their educational institutions—to see what would happen if we empowered people to formally pursue what they were most passionate about; and

WHEREAS, Evergreen's unique design put students and faculty in close collaboration with each other, and the college quickly became a place bursting with creativity and innovation; and

WHEREAS, Ever-evolving to meet the needs of students and the state of Washington, Evergreen continues to carry that spirit for learning as it celebrates its 50th anniversary; and

WHEREAS, Famous Evergreen graduates include Ben Haggerty (known as Macklemore), Matt Groening, Joyce McConnell (first female president of Colorado State University), Elizabeth Furse (first African-born naturalized citizen elected to Congress), Denny Heck, Yasmin Trudeau, Sharon Tomiko Santos, and Jessica Bateman; and

WHEREAS, The way that Evergreen teaches people to work together has played a big role in the success of its alumni; and

WHEREAS, From the beginning, Evergreen has sought to bolster access to its dynamic learning model, especially for populations who have historically been excluded from higher education; and

WHEREAS, Evergreen welcomes those who seek an affordable education that will launch them into the future they envision for themselves, and the college does everything in its power to help them achieve success; and

WHEREAS, Evergreen has always been about giving people the support they need, whether it is an advisor showing a first-generation student how to navigate their career opportunities, a faculty member empowering someone to overcome their fear of math, or a tutor encouraging a fellow student to dig deeper into their ideas; and

WHEREAS, Evergreen has prepared people to meet their futures with confidence, equipping graduates for careers in public service, science, entrepreneurship, education, and the arts; and

WHEREAS, No longer an experiment, this year Evergreen honors its past, celebrates the present, and projects its strengths toward the future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate The Evergreen State College and its 50 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to President John Carmichael, the Board of Trustees of The Evergreen State College, and Lieutenant Governor Denny Heck.

Senator Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

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

#### MOTION

At 1:42 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 3:00 o'clock p.m. by President Heck.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Keiser moved that Bud E. Sizemore, Senate Gubernatorial Appointment No. 9089, be confirmed as a member of the Gambling Commission.

Senators Keiser and Conway spoke in favor of passage of the motion.

#### APPOINTMENT OF BUD E. SIZEMORE

The President declared the question before the Senate to be the confirmation of Bud E. Sizemore, Senate Gubernatorial Appointment No. 9089, as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Bud E. Sizemore, Senate Gubernatorial Appointment No. 9089, as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Bud E. Sizemore, Senate Gubernatorial Appointment No. 9089, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Dhingra moved that Evelyn P. Yenson, Senate Gubernatorial Appointment No. 9231, be confirmed as a member of the Clemency and Pardons Board.

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

#### APPOINTMENT OF EVELYN P. YENSON

The President declared the question before the Senate to be the confirmation of Evelyn P. Yenson, Senate Gubernatorial Appointment No. 9231, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Evelyn P. Yenson, Senate Gubernatorial Appointment No. 9231, as a

TENTH DAY, JANUARY 19, 2022

member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Evelyn P. Yenson, Senate Gubernatorial Appointment No. 9231, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5653, by Senators Rolfes, Van De Wege and Warnick

Changing the name of the commission on pesticide registration to the commission on integrated pest management.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5002, by Senators Hunt, Carlyle, Conway, Dhingra, Hasegawa, Hawkins, Mullet, Rivers and Wilson, C.

Addressing the state auditor's duties and procedures.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5519, by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

Replacing an inactive certificate status with an inactive license designation.

The measure was read the second time.

MOTION

On motion of Senator Dozier, the rules were suspended, Senate Bill No. 5519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dozier and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5519.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5155, by Senators Kuderer, Wellman, Das and Pedersen

Concerning prejudgment interest.

#### MOTION

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5155 was substituted for Senate Bill No. 5155 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Short moved that the following amendment no. 940 by Senator Short be adopted:

On page 1, at the beginning of line 17, strike "~~(of entry)~~ the cause of action accrued" and insert "of entry"

On page 2, beginning on line 1, after "entry." strike "~~((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))~~" and insert "In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered."

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

Senators Dhingra and Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 940 by Senator Short on page 1, line 17 to Second Substitute Senate Bill No. 5155.

The President declared the motion by Senator Short did not carry and amendment no. 940 was not adopted by voice vote.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Short moved to immediately reconsider the vote by which amendment no. 940 to Second Substitute Senate Bill No. 5155 was declared to have not been adopted.

The President declared the question before the Senate to be the motion by Senator Short that the Senate immediately reconsider the vote by which amendment no. 940 to Second Substitute Senate Bill No. 5155 was not adopted.

The motion by Senator Short for immediate reconsideration carried by voice vote.

The President declared the question before the Senate to be the adoption of amendment no. 940 by Senator Short on page 1, line 17 to Second Substitute Senate Bill No. 5155 on reconsideration.

#### REMARKS BY THE PRESIDENT

President Heck: "The President reminds the body that this is not an individually recorded vote. Please use the buttons in the FAR voting system and please understand that the President cannot instantaneously see changes in vote at the last nanosecond. Please. The vote is now open. Please vote."

The motion by Senator Short carried and amendment no. 940 was adopted by voice vote on reconsideration.

#### PARLIAMENTARY INQUIRY

Senator Rolfes: "In the last motion, those of us who were not on the floor did not have an opportunity to vote on whether the amendment should have been reconsidered. And I am wondering if you could tell us what the procedures are for that. It seems inherently unfair, if there are more Democrats on the floor at any time than Republicans, that a floor vote would not always be in the best interest of this body. Thank you."

#### REPLY BY THE PRESIDENT

President Heck: "Senator Rolfes, thank you very much for your point of inquiry. The President would like to inform the body that it was apparent too late on the initial roll call for the President to stop his gavel in motion. But that the vote had changed. And that there was a majority vote in favor of the amendment. And as a consequence, requested a vote for reconsideration. Heretofore going forward we will use the FAR [Floor Activity Report] voting system for that to ensure that the circumstance that was presented with us today does not repeat itself. But I do, the President wants you to know, that this sequence of events was done after consultation with Leadership."

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5155.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5155, having received the constitutional majority, was declared

TENTH DAY, JANUARY 19, 2022

2022 REGULAR SESSION

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

## MOTION

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

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5342, by Senate Committee on Housing & Local Government (originally sponsored by Schoesler, Dozier, Hunt and Mullet)

Concerning irrigation district elections.

The bill was read on Third Reading.

## MOTIONS

On motion of Senator Kuderer, the rules were suspended and Substitute Senate Bill No. 5342 was returned to second reading for the purposes of amendment.

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5342 was substituted for Substitute Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Second Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5342.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 5196, by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner and Wilson, C.

Describing how the legislature may convene a special session.

The bill was read on Third Reading.

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

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5196.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Fortunato, Honeyford and Schoesler

SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick and Wilson, C.)

Concerning courthouse facility dogs.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5127.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Randall, Senator Carlyle was excused.

## THIRD READING

SENATE BILL NO. 5017, by Senators Wellman, Honeyford, Mullet and Wilson, C.

Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning.

The bill was read on Third Reading.

## MOTION

On motion of Senator Wellman, the rules were suspended and Senate Bill No. 5017 was returned to second reading for the purposes of amendment.

## MOTION

Senator Randall moved that the following striking amendment no. 931 by Senator Randall be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 2.** RCW 28A.335.190 and 2013 c 223 s 1 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, ((or)) other construction work by a contractor who meets the criteria in RCW 39.04.350, or other purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class

II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food.

(12) For purposes of this section, "construction work" does not include the following services: (a) Construction management services; (b) value engineering; (c) constructability review; (d) building commissioning; and (e) other construction-related professional and personal services.

(13) Beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, must include the standard clauses required under RCW 39.19.050.

(14) Beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, are subject to the procurement requirements of chapter 39.10 or 39.80 RCW, as applicable to the method of project delivery.

TENTH DAY, JANUARY 19, 2022

2022 REGULAR SESSION

(15) Beginning January 1, 2023, school districts may use interlocal agreements under chapter 39.34 RCW to procure the services listed under subsection (12) of this section only if the agreements are executed following a competitive, qualification-based procurement process for these services pursuant to chapter 39.10 or 39.80 RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "clarifying school district procurement requirements for service contracts for construction management, value engineering, constructibility review, and building commissioning; and amending RCW 28A.335.190."

Senators Randall and Wellman spoke in favor of adoption of the striking amendment.

Senators Hawkins and Short spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 931 by Senator Randall to Senate Bill No. 5017.

The motion by Senator Randall carried and striking amendment no. 931 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5017.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

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

Excused: Senator Carlyle

ENGROSSED SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5004, by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña and Wilson, C.)

Providing a tax exemption for medical marijuana patients.

The bill was read on Third Reading.

## MOTIONS

On motion of Senator Keiser, the rules were suspended and Substitute Senate Bill No. 5004 was returned to second reading for the purposes of amendment.

Senator Keiser moved that the following amendment no. 927 by Senator Keiser be adopted:

On page 1, line 20, after "January 1," strike "2025" and insert "2027"

On page 4, line 15, after "December 1," strike "2024" and insert "2025"

On page 4, line 16, after "January 1," strike "2022" and insert "2023"

Senators Keiser and Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 927 by Senator Keiser on page 1, line 20 to Substitute Senate Bill No. 5004.

The motion by Senator Keiser carried and amendment no. 927 was adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5004.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5004 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Honeyford, McCune, Padden and Schoesler

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5264, by Senators Wagoner, Brown, Conway, Das, Dhingra, Hasegawa, Honeyford, Kuderer,

Lovelett, Pedersen, Rivers, Schoesler, Stanford, Warnick and Wilson, C.

Declaring January as Chinese American history month and encouraging public schools to commemorate the month.

The measure was read the second time.

#### MOTION

Senator Wagoner moved that the following striking amendment no. 928 by Senator Wagoner be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 43.117 RCW to read as follows:

(1) January of each year will be known as Americans of Chinese descent history month. Each January is designated as a time for people of this state to commemorate the contributions of Americans of Chinese descent to the history and heritage of Washington state and the United States.

(2) Public schools are encouraged to designate time for appropriate activities in commemoration of Americans of Chinese descent history month and the lives, history, achievements, and contributions of Americans of Chinese descent."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "recognizing contributions of Americans of Chinese descent; and adding a new section to chapter 43.117 RCW."

Senator Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 928 by Senator Wagoner to Senate Bill No. 5264.

The motion by Senator Wagoner carried and striking amendment no. 928 was adopted by voice vote.

#### MOTION

On motion of Senator Wagoner, the rules were suspended, Engrossed Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner, Kuderer, Warnick, Wellman and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5264.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

ENGROSSED SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:35 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, January 20, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**ELEVENTH DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia  
Thursday, January 20, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

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

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

**REPORTS OF STANDING COMMITTEES**

January 19, 2022

**SB 5499** Prime Sponsor, Senator Cleveland: Concerning credentialing of medical assistant-hemodialysis technicians. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 19, 2022

**SB 5518** Prime Sponsor, Senator Muzzall: Concerning the occupational therapy licensure compact. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 19, 2022

**SB 5576** Prime Sponsor, Senator Kuderer: Addressing landlord-tenant relations by providing technical changes to eviction notice and summons forms and modifying certain eviction processes and programs. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senator Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik and Wilson, J.

Referred to Committee on Rules for second reading.

January 19, 2022

**SB 5862** Prime Sponsor, Senator Lovelett: Concerning technical changes to the commercial property assessed clean energy and resiliency program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Housing & Local Government.

January 19, 2022

**SGA 9299** CAMI FEEK, appointed on June 9, 2021, for the term ending January 1, 2075, as Director of the Employment Security Department - Agency Head. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45 (13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5736,  
SENATE BILL NO. 5807,  
SENATE BILL NO. 5884,  
and SENATE BILL NO. 5894.

**MOTIONS**

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGE FROM THE HOUSE**

January 19, 2022

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1732,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5914 by Senator King

AN ACT Relating to removing the requirement that an accredited technical or trade school program be not-for-profit to be an approved training program for purposes of journey level and specialty electrician certification; amending RCW 19.28.161, 19.28.161, 19.28.191, and 19.28.191; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5915 by Senators Das and Trudeau

AN ACT Relating to providing a sales and use tax exemption for adult and baby diapers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5916 by Senator Mullet

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.054 and 43.105.220; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment, Energy & Technology.

SB 5917 by Senators Hunt and Fortunato

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Elections.

SB 5918 by Senator Frockt

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Higher Education & Workforce Development.

SB 5919 by Senators Van De Wege and Mullet

AN ACT Relating to the standard for law enforcement authority to detain or pursue persons; and amending RCW 10.116.060, 10.120.010, and 10.120.020.

Referred to Committee on Law & Justice.

SB 5920 by Senator Warnick

AN ACT Relating to parenting plans; amending RCW 26.09.260; and creating a new section.

Referred to Committee on Law & Justice.

SB 5921 by Senator Braun

AN ACT Relating to increasing county timber tax distributions by reducing the charge for administrative and collection costs; amending RCW 84.33.051 and 84.33.081; and creating a new section.

Referred to Committee on Ways & Means.

SB 5922 by Senators Braun and Mullet

AN ACT Relating to K-12 education funding; amending RCW 28A.500.015, 28A.150.390, 28A.185.020, and 28A.400.007; reenacting and amending RCW 84.52.0531, 28A.150.260, and 28A.150.260; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing effective dates; and providing an expiration date.

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

MOTIONS

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

At 12:32 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Friday, January 21, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**TWELFTH DAY**

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AFTERNOON SESSION

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Senate Chamber, Olympia  
Friday, January 21, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

January 20, 2022

SB 5504 Prime Sponsor, Senator Warnick: Extending current discover pass free days from state parks to all state recreation sites and lands. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5509 Prime Sponsor, Senator Honeyford: Exempting fentanyl testing equipment from the definition of drug paraphernalia. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5520 Prime Sponsor, Senator Keiser: Disclosing harassment and discrimination. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5531 Prime Sponsor, Senator Pedersen: Concerning the revised uniform unclaimed property act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5534 Prime Sponsor, Senator Brown: Concerning the use of verifiable credentials. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5535 Prime Sponsor, Senator Wilson, C.: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5535 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5543 Prime Sponsor, Senator Carlyle: Concerning a zero-emission landscaping equipment incentive program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Schoesler.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5545 Prime Sponsor, Senator Wagoner: Concerning survivor benefits. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5548 Prime Sponsor, Senator Pedersen: Concerning the uniform unregulated child custody transfer act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5548 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5552 Prime Sponsor, Senator Van De Wege: Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5561 Prime Sponsor, Senator Dhingra: Concerning the restoration of the right to possess a firearm. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5564 Prime Sponsor, Senator Keiser: Protecting the confidentiality of employees using employee assistance programs. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5564 be substituted therefor, and the substitute bill do

pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5567 Prime Sponsor, Senator Van De Wege: Concerning commercial salmon fishing. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5572 Prime Sponsor, Senator Wilson, C.: Implementing the recommendations of the Washington state internet crimes against children task force. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5573 Prime Sponsor, Senator Lovick: Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5575 Prime Sponsor, Senator Lovick: Adding additional superior court judges in Snohomish county. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

TWELFTH DAY, JANUARY 21, 2022

2022 REGULAR SESSION

Referred to Committee on Ways & Means.

January 20, 2022

SB 5580 Prime Sponsor, Senator Wellman: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5580 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Sheldon.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5585 Prime Sponsor, Senator Rolfes: Setting domestic wastewater discharge fees. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato and Schoesler.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5588 Prime Sponsor, Senator Wilson, C.: Concerning reentry and discharge planning for incarcerated individuals at the department of corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5592 Prime Sponsor, Senator Wilson, C.: Eliminating the cost of supervision assessments charged to offenders. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5612 Prime Sponsor, Senator Wilson, L.: Ensuring domestic violence victims and survivors of victims have the opportunity to

make a statement during sentencing for all domestic violence convictions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5613 Prime Sponsor, Senator Van De Wege: Concerning the use of dogs to hunt black bear, cougar, or bobcat. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member and Short.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5614 Prime Sponsor, Senator Randall: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5624 Prime Sponsor, Senator Warnick: Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5626 Prime Sponsor, Senator Rolfes: Adding a climate resilience element to water system plans. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5626 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato and Schoesler.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5628 Prime Sponsor, Senator Dhingra: Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5634 Prime Sponsor, Senator Carlyle: Updating the utilities and transportation commission's regulatory fees. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato and Schoesler.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5637 Prime Sponsor, Senator Rolfes: Increasing forest practices fees to pay for program implementation costs and a new online system for forest practices review. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Short.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5641 Prime Sponsor, Senator Short: Promoting local agriculture through greenhouses. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5676 Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5701 Prime Sponsor, Senator Nguyen: Determining monthly wages for workers' compensation. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Ways & Means.

January 20, 2022

SB 5726 Prime Sponsor, Senator Randall: Concerning interruptive military service credit for members of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Transportation.

January 20, 2022

SB 5746 Prime Sponsor, Senator Warnick: Concerning drought preparedness, response, and funding. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

TWELFTH DAY, JANUARY 21, 2022

2022 REGULAR SESSION

Referred to Committee on Ways &amp; Means.

Referred to Committee on State Government &amp; Elections.

January 20, 2022

## MOTIONS

SB 5748 Prime Sponsor, Senator Schoesler: Concerning disability benefits in the public safety employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5763 Prime Sponsor, Senator Randall: Eliminating subprevailing wage certificates for individuals with disabilities. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 20, 2022

SB 5776 Prime Sponsor, Senator Trudeau: Creating the criminal justice integrated data system and a violence and death investigation resource center. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Ways &amp; Means.

January 20, 2022

SB 5854 Prime Sponsor, Senator Randall: Concerning ethical performance of faculty duties. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5534 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means and Senate Bill No. 5585 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 6, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ADAM L. AGUILERA, reappointed January 6, 2022, for the term ending September 30, 2025, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9395.

January 6, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSANA REYES, reappointed January 13, 2022, for the term ending January 12, 2026, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9396.

January 6, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DANA M. RILEY BLACK, appointed January 13, 2022, for the term ending January 12, 2026, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9397.

January 14, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JASON R. HAMILTON, reappointed January 14, 2022, for the term ending December 26, 2025, as Member of the Board of Pilotage Commissioners.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9398.

#### MOTIONS

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

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

#### MESSAGE FROM THE HOUSE

January 19, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5923 by Senator Robinson

AN ACT Relating to temporary emergency shelters; amending RCW 19.27.042; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Housing & Local Government.

SB 5924 by Senator Mullet

AN ACT Relating to improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute of limitations period for certain egregious tax crimes; amending RCW 82.32.050; reenacting and amending RCW 9A.04.080; adding new sections to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5925 by Senators Hunt and Braun

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 5926 by Senator Robinson

AN ACT Relating to capital gains taxation of certain investment management services provided to a partnership or similar entity; amending RCW 82.87.020 and 82.87.040; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5927 by Senator Honeyford

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Law & Justice.

SB 5928 by Senator Van De Wege

AN ACT Relating to increasing housing access and affordability by decreasing construction costs associated with the Washington state energy code for residential buildings; amending RCW 19.27A.020, 19.27A.045, and 19.27A.160; creating a new section; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5929 by Senator Wilson, C.

AN ACT Relating to changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force; and amending RCW 74.08A.505.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5930 by Senators Wilson, C. and Liias

AN ACT Relating to the participation of tribal governments in exchange agreements; and amending RCW 47.12.370.

Referred to Committee on Transportation.

SB 5931 by Senator Wagoner

AN ACT Relating to appointment of judges pro tempore in the court of appeals; and amending RCW 2.06.150.

Referred to Committee on Law & Justice.

SB 5932 by Senator Das

AN ACT Relating to reducing the state sales and use tax rate; amending RCW 82.08.020; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 1732 by House Committee on Appropriations (originally sponsored by Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

AN ACT Relating to delaying the implementation of the long-term services and supports trust program by 18 months to allow for the extension of benefits to persons born before January 1, 1968, by modifying conditions for becoming a qualified individual and eligible beneficiary and allowing for the refunding of prematurely collected premiums; amending RCW 50B.04.020, 50B.04.030, 50B.04.050, 50B.04.060, 50B.04.080, 50B.04.090, and 50B.04.140; adding a new section to chapter 50B.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1733 by House Committee on Appropriations (originally sponsored by Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

AN ACT Relating to establishing voluntary exemptions to the long-term services and supports trust program for certain populations identified in the long-term services and supports trust commission's 2022 recommendations report, specifically including exemptions only for veterans with a service-connected disability of 70 percent or higher, the spouses or domestic partners of active duty service members, persons residing outside of Washington while working in Washington, and persons working in the United States under a temporary, nonimmigrant work visa; amending RCW 50B.04.080 and 50B.04.050; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5928 which had been designated to the Committee on State Government & Elections and was referred to the Committee on Environment, Energy & Technology.

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

MOTION

Senator Randall moved adoption of the following resolution:

SENATE RESOLUTION  
8636

By Senators Randall and Warnick

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, Motorcyclists make up just about three percent of all registered vehicles but account for about fifteen percent of all traffic fatalities as of 2017; and

WHEREAS, The United States Department of Transportation's National Highway Traffic Safety Administration launched a Get Up to 20 Speed on Motorcycles campaign to help motorists learn how to drive safely around motorcycles in order to keep all roadway users safe; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse and American Legion Riders, band together to support kids, veterans, and other vulnerable communities all around the state; and

WHEREAS, The month of May is recognized nationally and throughout the state as Motorcycle Safety Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the month of May as Motorcycle Safety Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the AAA Washington office, the ABATE of Washington office, Bikers Against Child Abuse, the representative of the Washington Road Riders Association, the headquarters of the Washington State Patrol, and the Washington State Department of Transportation.

Senator Randall spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

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

MOTION

At 12:38 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:45 a.m. Monday, January 24, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FIFTEENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, January 24, 2022

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 20, 2022

ESSB 5065 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5487 Prime Sponsor, Senator Hawkins: Concerning small school district consolidation incentives for infrastructure enhancement and modernization. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; McCune; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

January 21, 2022

SB 5498 Prime Sponsor, Senator Wilson, C.: Awarding diplomas posthumously. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5553 Prime Sponsor, Senator Wilson, C.: Providing data regarding early STEM metrics in the STEM education report card. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5560 Prime Sponsor, Senator Pedersen: Concerning procedures for approval and submission of the redistricting plan. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5563 Prime Sponsor, Senator Wellman: Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and Mullet.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and McCune.

Referred to Committee on Ways & Means.

January 21, 2022

SB 5582 Prime Sponsor, Senator Hunt: Concerning the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 21, 2022

SB 5583 Prime Sponsor, Senator Trudeau: Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5596 Prime Sponsor, Senator Trudeau: Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5657 Prime Sponsor, Senator Wellman: Concerning computer science instruction in state long-term juvenile institutions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

January 21, 2022

SB 5692 Prime Sponsor, Senator Gildon: Concerning programming at the department of corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 21, 2022

SB 5719 Prime Sponsor, Senator Mullet: Concerning dual credit costs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning;

January 21, 2022

SB 5750 Prime Sponsor, Senator Wilson, C.: Designating the Washington state leadership board a trustee of the state of Washington. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Transportation.

January 21, 2022

SB 5793 Prime Sponsor, Senator Wilson, C.: Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

January 21, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1015,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,

SUBSTITUTE HOUSE BILL NO. 1074,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1099,

HOUSE BILL NO. 1280,

HOUSE BILL NO. 1376,

HOUSE BILL NO. 1648,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5933 by Senators Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 5934 by Senators Wilson, L., Rivers and Braun

AN ACT Relating to studying the construction of a third bridge over the Columbia river between southwest Washington and Oregon; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SB 5935 by Senators Mullet, Holy, Lovick, Nguyen and Robinson

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 5936 by Senators Sefzik, Lovelett, Dozier, Holy and Schoesler

AN ACT Relating to providing short-term disaster recovery financial assistance to agricultural producers; adding a new section to chapter 89.08 RCW; creating a new section; making an appropriation; and declaring an emergency.

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

SB 5937 by Senators Sefzik, Muzzall and Schoesler

AN ACT Relating to providing financial assistance to aid impacted communities in the recovery from floods occurring November 2021 through January 2022; amending RCW 38.52.105; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on State Government & Elections.

SB 5938 by Senators Braun and Robinson

AN ACT Relating to the closure of residential habilitation centers; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Health & Long Term Care.

#### MOTIONS

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

On motion of Senator Pedersen and without objection, the rules were suspended and Senate Bill No. 5512 and Senate Bill No. 5490 were removed from the Consent Calendar and placed on the day's Second Reading Calendar.

At 11:48 a.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Tuesday, January 25, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**SIXTEENTH DAY**

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AFTERNOON SESSION

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Senate Chamber, Olympia  
Tuesday, January 25, 2022

The Senate was called to order at 12:31 p.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

January 24, 2022

SB 5546 Prime Sponsor, Senator Keiser: Concerning insulin affordability. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5546 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Sefzik.

Referred to Committee on Rules for second reading.

January 24, 2022

SB 5600 Prime Sponsor, Senator Keiser: Concerning the sustainability and expansion of state registered apprenticeship programs. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5600 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

Referred to Committee on Ways & Means.

January 21, 2022

SB 5638 Prime Sponsor, Senator Wagoner: Concerning expediting approval for applicants for an associate license as a

social worker, mental health counselor, or marriage and family therapist. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Rules for second reading.

January 24, 2022

SB 5753 Prime Sponsor, Senator Robinson: Increasing board and commission capacities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5546 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

May 1, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERYL STRANGE, appointed May 16, 2021, for the term ending January 1, 2025, as a Director of the Department of Corrections - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9297.

MOTIONS

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

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

#### INTRODUCTION AND FIRST READING

##### SB 5939 by Senator Muzzall

AN ACT Relating to replacing the long-term services and supports trust program with affordable and optional long-term care insurance coverage; reenacting and amending RCW 42.56.400; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

##### SB 5940 by Senator King

AN ACT Relating to creating a license endorsement allowing domestic licensed alcohol manufacturers to provide contract packaging services to other alcohol manufacturing licensees within this state; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

##### SB 5941 by Senator Honeyford

AN ACT Relating to the Washington kratom consumer protection act; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

##### SB 5942 by Senators Frockt and Pedersen

AN ACT Relating to the uniform college athlete name, image, or likeness act; amending RCW 42.56.270; adding a new chapter to Title 63 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

##### SB 5943 by Senators Wilson, L. and Mullet

AN ACT Relating to establishing balanced legislative oversight of gubernatorial powers during a declared emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

##### SB 5944 by Senator King

AN ACT Relating to establishing an organized retail theft task force; creating new sections; and providing an expiration date.

Referred to Committee on Law & Justice.

##### SB 5945 by Senator Seftik

AN ACT Relating to amending the criminal penalty and statute of limitations for human trafficking; amending RCW

9A.40.100; reenacting and amending RCW 9A.04.080; and prescribing penalties.

Referred to Committee on Law & Justice.

##### E2SHB 1015 by House Committee on Finance (originally sponsored by Maycumber, Chapman, Tharinger, Graham, Santos and Macri)

AN ACT Relating to creating the Washington equitable access to credit act; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

##### E5SHB 1041 by House Committee on State Government & Tribal Relations (originally sponsored by Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen)

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Elections.

##### SHB 1074 by House Committee on Health Care & Wellness (originally sponsored by Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet)

AN ACT Relating to overdose and suicide fatality reviews; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health & Long Term Care.

##### E2SHB 1099 by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis)

AN ACT Relating to improving the state's climate response through updates to the state's comprehensive planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.030, and 86.12.200; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

##### HB 1280 by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

AN ACT Relating to greenhouse gas emissions reductions in the design of public facilities; and amending RCW 39.35.010, 39.35.020, 39.35.030, and 39.35.050.

Referred to Committee on Environment, Energy & Technology.

##### HB 1376 by Representative Fey

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040,

65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Housing & Local Government.

**HB 1648** by Representatives Vick, Kirby and Dufault

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

**MOTIONS**

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

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to meet during the day’s floor session.

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

**MOTION**

Senator Kuderer moved adoption of the following resolution:

**SENATE RESOLUTION  
8637**

By Senators Kuderer, Das, Frockt, Hunt, Keiser, Liias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Short, Stanford, Trudeau, Wellman, and Wilson, C.

WHEREAS, Women in Cloud is a woman-led, grassroots economic development organization founded in Seattle, Washington working to generate one billion dollars in new economic access for women-led technology entrepreneurs across the globe by 2030; and

WHEREAS, Forbes found that women tech entrepreneurs, despite having received fifty percent less venture capital funding,

produce twenty percent higher revenues than their male equivalents; and

WHEREAS, Only five percent of leadership positions in the technology industry are held by women and more than two-thirds of US start-ups have no women at all on their board of directors; and

WHEREAS, The technology sector has proven invaluable during the COVID-19 pandemic, giving many employers the ability to continue operations with employees working from their homes while the public health crisis continues; and

WHEREAS, As economic relief efforts for small businesses continue during and after the pandemic, it is important for such relief efforts to be carried out in an equitable manner; and

WHEREAS, The underrepresentation of women in technology leadership harms technological development and societal and economic growth, and is unacceptable in the 21st century; and

WHEREAS, The Women in Cloud organization plays a vital role in the ongoing economic recovery period working to ensure women-owned enterprises continue to survive and thrive post pandemic; and

WHEREAS, The Women in Cloud Accelerator Program provides resources, consultation, networking connections, and global platforms for women-led tech companies; and

WHEREAS, The Women in Cloud Universal Digital Upskilling and ReSkilling Program provides over 1000 cloud skilling scholarships, resources, networking connections, and global platforms for women professionals to access economically-fulfilling jobs; and

WHEREAS, The Women in Cloud #empowHERaccess digital advocacy campaign provides industry focused research, resources, networking connections and spotlights women leaders and allies to advance policy for economic and workforce development for women founders and professionals; and

WHEREAS, The Women in Cloud Annual Conference has seen tremendous growth in popularity in just three years with its inaugural conference hosting 450 participants, to an expected global attendance of more than 1,500 for this year's conference; and

WHEREAS, Through the creation of new partnerships in regions beyond the Pacific Northwest, Women in Cloud has expanded their accelerator program to eight other countries around the world; and

WHEREAS, The Washington State Legislature encourages other legislatures across the nation and governing bodies in other countries to partner with Women in Cloud to ensure women-led technology firms have equitable access to economic opportunity for generations to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the value of this initiative to inspire, empower, and accelerate the growth of women-led technology companies and promote the efforts of women entrepreneurs and leaders; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Women in Cloud Digital Summit 2022, to be held virtually on January 26 through 28, 2022.

Senator Kuderer spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

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

## MOTION

At 12:44 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Wednesday, January 26, 2022.

KAREN KEISER, President Pro Tempore

SARAH BANNISTER, Secretary of the Senate

## SEVENTEENTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, January 26, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Sydney Kraabel, senior, Lake Washington High School, led the Senate in the Pledge of Allegiance. Miss Kraabel was the guest of Senator Dhingra.

Gen Kelsang Rinzin, Resident Teacher, Tushita Kadampa Buddhist Center, Olympia offered the prayer.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 25, 2022

SB 5515 Prime Sponsor, Senator Dozier: Encouraging economic growth by providing a state business tax credit for new employment positions in the hospitality industry. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Frockt; Lovick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5609 Prime Sponsor, Senator Trudeau: Eliminating fingerprinting at juvenile dispositions. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5620 Prime Sponsor, Senator Wilson, L.: Concerning medicaid expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital and Keiser.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5654 Prime Sponsor, Senator Robinson: Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5694 Prime Sponsor, Senator Stanford: Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5725 Prime Sponsor, Senator Mullet: Concerning powers of the legislative committee on economic development and international relations. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5728 Prime Sponsor, Senator Holy: Concerning the state's portion of civil asset forfeiture collections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5729 Prime Sponsor, Senator Nguyen: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5745 Prime Sponsor, Senator Liias: Increasing the personal needs allowance for persons receiving state financed care. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5760 Prime Sponsor, Senator Wellman: Updating and expanding the motion picture competitiveness program. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5764 Prime Sponsor, Senator Randall: Concerning apprenticeships and higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do

pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5770 Prime Sponsor, Senator Mullet: Providing Washington state convention economy grants. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5771 Prime Sponsor, Senator Holy: Including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5785 Prime Sponsor, Senator Lovelett: Concerning transitional food assistance. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5810 Prime Sponsor, Senator Mullet: Concerning insurance regulation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 25, 2022

SJM 8006 Prime Sponsor, Senator Hasegawa: Concerning a national infrastructure bank. Reported by Committee on Business, Financial Services & Trade

SEVENTEENTH DAY, JANUARY 26, 2022

2022 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Lovick.

MINORITY recommendation: Do not pass. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Rules for second reading.

January 25, 2022

SHB 1732 Prime Sponsor, Committee on Appropriations: Delaying the implementation of the long-term services and supports trust program by 18 months. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

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

Referred to Committee on Rules for second reading.

January 25, 2022

ESHB 1733 Prime Sponsor, Committee on Appropriations: Establishing voluntary exemptions to the long-term services and supports trust program for certain populations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

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

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## INTRODUCTION AND FIRST READING

SB 5946 by Senator Mullet

AN ACT Relating to protecting consumers from the discontinuance of the London interbank offered rate; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5947 by Senator Stanford

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5948 by Senator Brown

AN ACT Relating to records retained pursuant to the statewide city and council jail booking and reporting system and statewide automated victim information and notification system; and adding a new section to chapter 36.28A RCW.

Referred to Committee on State Government & Elections.

SB 5949 by Senators Van De Wege and King

AN ACT Relating to currently credentialed dental auxiliaries; amending RCW 18.29.190, 18.260.010, 18.260.040, and 18.260.090; adding new sections to chapter 18.29 RCW; adding new sections to chapter 18.260 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5950 by Senator Conway

AN ACT Relating to forgiving the first two payments due under the sales and use tax deferral for historic auto museums in response to operational delays caused by the COVID-19 pandemic; amending RCW 82.32.580; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5951 by Senator Hasegawa

AN ACT Relating to agricultural hemp products to ensure the safe implementation of Washington state's industrial hemp program; adding a new section to chapter 15.140 RCW; and prescribing penalties.

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

## MOTIONS

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

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

## MOTION

Senator Dhingra moved adoption of the following resolution:

## SENATE RESOLUTION

By Senators Dhingra, Das, Cleveland, Hasegawa, Honeyford, Hunt, Kuderer, Lovelett, Nobles, Pedersen, Robinson, Rolfes, Salomon, Stanford, Trudeau, Wellman, and C. Wilson

WHEREAS, January 26, 2022, marks the 73rd Republic Day in India, celebrating the adoption of the Constitution of the world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, India's Constitution asserts equality before law, and declares "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, India has a strong tradition of maintaining democratic ideals through robust checks on those in power; and

WHEREAS, Washington state has many cultural and economic ties to India, including more than 100,000 Indian Americans living in the state; and

WHEREAS, Indian Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Washington-based tech companies; and

WHEREAS, These businesses provide useful services, resources, and jobs to the people of this state; and

WHEREAS, Indian Americans have been emigrating to the West Coast since the 19th century, working in our most vital industries including agriculture, lodging, and trade; and

WHEREAS, Indian Americans reflect the values of inclusion and pluralism through their many cultural and religious identities, including Muslim, Sikh, and Hindu; and

WHEREAS, Indian Americans serve selflessly in our armed forces and in law enforcement, and contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Republic Day 2022 as a symbol of the shared values of democracy, diversity, and inclusion between the nation of India and both the State of Washington and the United States of America.

Senators Dhingra, Das and Wagoner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

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

#### MOTION

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

#### MOTIONS

Pursuant to Emergency Senate Rule I, on motion of Senator Billig and without objection, the Committee on Rules was relieved of further consideration of Substitute House Bill No. 1732 and Engrossed Substitute House Bill No. 1733 and the measures were placed on the day's Second Reading Calendar.

Pursuant to Emergency Senate Rule I, on motion of Senator Billig and without objection, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5572; Senate Bill No. 5612; Senate Bill No 5641; Senate Bill No.

5504; Senate Bill No. 5552; and Senate Bill No. 5624 and the measures were placed on the Consent Calendar.

#### MOTION

At 1:46 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 2:44 p.m. by President Heck.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Dhingra moved that Lorraine Lee, Senate Gubernatorial Appointment No. 9280, be confirmed as a Chief Administrative Law Judge of the Office of Administrative Hearings.

Senators Dhingra and Padden spoke in favor of passage of the motion.

#### APPOINTMENT OF LORRAINE LEE

The President declared the question before the Senate to be the confirmation of Lorraine Lee, Senate Gubernatorial Appointment No. 9280, as a Chief Administrative Law Judge of the Office of Administrative Hearings.

The Secretary called the roll on the confirmation of Lorraine Lee, Senate Gubernatorial Appointment No. 9280, as a Chief Administrative Law Judge of the Office of Administrative Hearings and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Lorraine Lee, Gubernatorial Appointment No. 9280, having received the constitutional majority was declared confirmed as a Chief Administrative Law Judge of the Office of Administrative Hearings.

#### MOTION

Senator Wellman moved that Brent L. Stark, Gubernatorial Appointment No. 9057, be confirmed as a member of the Washington State School for the Blind Board of Trustees.

SEVENTEENTH DAY, JANUARY 26, 2022

2022 REGULAR SESSION

Senators Wellman and Hawkins spoke in favor of passage of the motion.

#### APPOINTMENT OF BRENT L. STARK

The President declared the question before the Senate to be the confirmation of Brent L. Stark, Gubernatorial Appointment No. 9057, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of Brent L. Stark, Gubernatorial Appointment No. 9057, as a member of the Washington State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Brent L. Stark, Gubernatorial Appointment No. 9057, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1732, by House Committee on Appropriations (originally sponsored by Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

Delaying the implementation of the long-term services and supports trust program by 18 months.

The measure was read the second time.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 968 by Senator Wilson, L. be adopted:

On page 3, line 34, after "solvency;" strike "and" and insert "~~(and)~~"

On page 3, line 37, after "2019" insert "; and

(d) By December 1, 2022, perform an actuarial audit and valuation of the long-term services and supports trust fund that incorporates the impact of the exemptions granted by the employment security department"

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 968 by Senator Wilson, L. on page 3, line 34 to Substitute House Bill No. 1732.

The motion by Senator Wilson, L. did not carry, and amendment no. 968 was not adopted by voice vote.

#### MOTION

On motion of Senator Billig, the rules were suspended, Substitute House Bill No. 1732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

Senators Braun, Fortunato and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1732.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1732 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators McCune, Padden and Wilson, J.

SUBSTITUTE HOUSE BILL NO. 1732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, Substitute House Bill No. 1732 was immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, by House Committee on Appropriations (originally sponsored by Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

Establishing voluntary exemptions to the long-term services and supports trust program for certain populations.

The measure was read the second time.

#### MOTION

Senator Wagoner moved that the following amendment no. 971 by Senator Wagoner be adopted:

On page 2, after line 38, insert the following:

"**Sec. 2.** RCW 50B.04.085 and 2021 c 113 s 5 are each amended to read as follows:

(1) An employee who attests that the employee has long-term care insurance purchased before (~~(November 1, 2021)~~) February 1, 2023, may apply for an exemption from the premium assessment under RCW 50B.04.080. An exempt employee may not become a qualified individual or eligible beneficiary and is permanently ineligible for coverage under this title.

(2)(a) The employment security department must accept applications for exemptions only from October 1, 2021, through December 31, (~~(2022)~~) 2023.

(b) Only employees who are eighteen years of age or older may apply for an exemption.

(3) The employment security department is not required to verify the attestation of an employee that the employee has long-term care insurance.

(4) Approved exemptions will take effect on the first day of the quarter immediately following the approval of the exemption.

(5) Exempt employees are not entitled to a refund of any premium deductions made before the effective date of an approved exemption.

(6) An exempt employee must provide written notification to all current and future employers of an approved exemption.

(7) If an exempt employee fails to notify an employer of an exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification is provided.

(8) Employers must not deduct premiums after being notified by an employee of an approved exemption.

(a) Employers must retain written notifications of exemptions received from employees.

(b) An employer who deducts premiums after being notified by the employee of an exemption is solely responsible for refunding to the employee any premiums deducted after the notification.

(c) The employer is not entitled to a refund from the employment security department for any premiums remitted to the employment security department that were deducted from exempt employees.

(9) The department must adopt rules necessary to implement and administer the activities specified in this section related to the program, including rules on the submission and processing of applications under this section."

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

On page 1, line 1 of the title, after "Relating to" strike "establishing"

On page 1, beginning on line 2 of the title, after "program" strike all material through "report" on line 4

On page 1, line 9 of the title, after "visa" insert "and extending the application for the long-term care insurance exemption"

On page 1, line 9 of the title, after "50B.04.080" insert ", 50B.04.085,"

Senators Wagoner, Muzzall, Fortunato and Dozier spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 971 by Senator Wagoner on page 2, after line 38 to Engrossed Substitute House Bill No. 1733.

The motion by Senator Wagoner did not carry and amendment no. 971 was not adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following amendment no. 967 by Senator Wilson, L. be adopted:

On page 3, at the beginning of line 3, strike "(1)"  
Beginning on page 3, line 5, after "employee" strike all material through "act" on page 6, line 37

On page 1, line 1 of the title, after "Relating to" strike "establishing"

On page 1, beginning on line 2 of the title, after "program" strike "for certain populations identified in the long-term services and supports trust commission's 2022 recommendations report"

On page 1, beginning on line 9 of the title, after "50B.04.080" strike "and 50B.04.050"

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

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 967 by Senator Wilson, L. on page 3, line 3 to Engrossed Substitute House Bill No. 1733.

The motion by Senator Wilson, L. did not carry, and amendment no. 967 was not adopted by voice vote.

## MOTION

Senator Gildon moved that the following amendment no. 972 by Senator Gildon be adopted:

On page 3, line 11, after "(b)" insert "A retired veteran or retirement eligible veteran who has served in the armed services of the United States and is eligible for retirement or has retired from the armed services either after a duration of service necessary to qualify for veterans benefits or due to a disability qualification for veterans benefits;

(c)"

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

On page 1, at the beginning of line 3 of the title, strike "identified in the long-term services and supports trust commission's 2022 recommendations report"

On page 1, line 8 of the title, after "Washington," insert "retired veterans and retirement eligible veterans,"

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

Senators Rolfes, Keiser and Conway spoke against adoption of the amendment.

## MOTION

Senator Wagoner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 3, line 11 to Engrossed Substitute House Bill No. 1733.

## ROLL CALL

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

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

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1733.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1733 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, McCune, Padden, Schoesler, Warnick and Wilson, J.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pedersen, Engrossed Substitute House Bill No. 1733 was immediately transmitted to the House of Representatives.

MOTIONS

Senator Short moved that the Senate advance to the ninth order of business for the purposes of relieving the Committee on Health & Long-Term Care of Senate Bill No. 5503, concerning a study of financial products available through the private market to replace the long-term services and supports trust program.

Senator Short demanded a roll call.

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

Senator Short spoke in favor of the motion.

Senator Pedersen spoke against the motion.

MOTION

On motion of Senator Wagoner, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Short to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the motion by Senator Short and the motion did not carry by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

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

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

Excused: Senator Brown

MOTION

At 3:48 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 4:50 p.m. by President Heck.

MOTION

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

MESSAGE FROM THE HOUSE

January 26, 2022

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1732,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1732, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pedersen moved that Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, be confirmed as a member of the Washington State Women's Commission.

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

## APPOINTMENT OF QUINN R. DALAN

The President declared the question before the Senate to be the confirmation of Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Dhingra moved that Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, be confirmed as a member of the Clemency and Pardons Board.

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

## APPOINTMENT OF RHONDA SALVESEN

The President declared the question before the Senate to be the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5548, by Senators Pedersen, Wagoner, Dhingra and Mullet

Concerning the uniform unregulated child custody transfer act.

## MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5548 was substituted for Senate Bill No. 5548 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Padden moved that the following amendment no. 966 by Senator Padden be adopted:

On page 2, line 27, after "amended." insert "This chapter only applies to adoption or placement for adoption of a child who resides in a foreign country at the time of adoption or placement."

On page 2, beginning on line 30, after "section" strike ", sections 202 and 203 of this act, and RCW 26.33.400 (as recodified by this act)" and insert "and sections 202 through 204 of this act"

Beginning on page 4, line 27, strike all of section 204 and insert the following:

**"NEW SECTION. Sec. 204. ADVERTISEMENTS FOR ADOPTION OR OTHER CUSTODY TRANSFER.** (1) For the purposes of this section and unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her

SEVENTEENTH DAY, JANUARY 26, 2022

2022 REGULAR SESSION

availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

On page 6, beginning on line 8, after "through" strike "203 of this act and RCW 26.33.400 (as recodified by this act)" and insert "204 of this act"

On page 6, beginning on line 20, strike all of sections 306 and 307 and insert the following:

**"Sec. 306.** RCW 26.33.400 and 2006 c 248 s 4 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

On page 1, line 3 of the title, strike "recodifying RCW 26.33.400; repealing RCW 26.33.370;"

Senator Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 966 by Senator Padden on page 2, line 27 to Substitute Senate Bill No. 5548.

The motion by Senator Padden did not carry and amendment no. 966 was not adopted by voice vote.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5548.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5496, by Senators Muzzall and Cleveland

Concerning health professional monitoring programs.

#### MOTIONS

On motion of Senator Muzzall, Substitute Senate Bill No. 5496 was substituted for Senate Bill No. 5496 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Muzzall, the rules were suspended, Substitute Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5496.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5529, by Senators Cleveland, Keiser, Dhingra and Wilson, C.

Concerning self-directed care.

The measure was read the second time.

#### MOTION

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

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

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

#### ROLL CALL

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

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

Excused: Senator Brown

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

#### SECOND READING

SENATE BILL NO. 5634, by Senator Carlyle

Updating the utilities and transportation commission's regulatory fees.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Sheldon spoke in favor of passage of the bill.

Senators Short and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5634.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator Brown

SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5512, by Senators Honeyford, Hasegawa, Lovick, Mullet, Randall, Rolfes and Wagoner

Designating a state nickname.

The measure was read the second time.

#### MOTION

Senator Rolfes moved that the following amendment no. 952 by Senator Rolfes be adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. **Sec. 2.** Nothing in this act shall be construed as creating a requirement for any entity to update or revise any existing materials, documents, or publications."

On page 1, line 1 of the title, after "nickname" strike the remainder of the title and insert "adding a new section to chapter 1.20 RCW; and creating a new section."

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

The President declared the question before the Senate to be the adoption of amendment no. 952 by Senator Rolfes on page 1, after line 7 to Senate Bill No. 5512.

The motion by Senator Rolfes carried and amendment no. 952 was adopted by voice vote.

SEVENTEENTH DAY, JANUARY 26, 2022

2022 REGULAR SESSION

## MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5512.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

ENGROSSED SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5508, by Senators Liias, Muzzall, Cleveland, Frockt, Hunt, Lovick, Mullet, Randall, Robinson and Stanford

Concerning the insurance guaranty fund.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5508.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Brown

SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5490, by Senators Pedersen, Padden, Dhingra, Mullet and Nobles

Creating the interbranch advisory committee.

## MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5490 was substituted for Senate Bill No. 5490 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rolfes moved that the following amendment no. 954 by Senator Rolfes be adopted:

On page 3, beginning on line 1, after "will be" strike "jointly provided by the legislative branch and" and insert "provided by"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 954 by Senator Rolfes on page 3, line 1 to Substitute Senate Bill No. 5490.

The motion by Senator Rolfes carried and amendment no. 954 was adopted by voice vote.

## MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5490.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford,

Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Brown and McCune

ENGROSSED SUBSTITUTE SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5514, by Senators Dozier, Mullet, Short and Wilson, J.

Increasing the frequency of county legislative meetings at alternate locations.

The measure was read the second time.

#### MOTION

On motion of Senator Dozier, the rules were suspended, Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dozier and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5514.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford and Schoesler  
Excused: Senators Brown and McCune

SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5499, by Senators Cleveland, Muzzall, Randall and Wilson, C.

Concerning credentialing of medical assistant-hemodialysis technicians.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5499 was advanced to third reading, the second

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

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCune

SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5042, by Senators Salomon, Billig, Kuderer, Lias and Wilson, C.

Concerning the effective date of certain actions taken under the growth management act.

The measure was read the second time.

#### MOTION

Senator Short moved that the following amendment no. 963 by Senator Short be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"NEW SECTION. **Sec. 3.** The legislature finds that affordable housing is one of the greatest challenges facing our state today. Providing missing middle housing for the workforce is essential for resolving the homeless crisis and getting people into homes at all income levels. In order to build more houses, it is important to create certainty in the legal framework for permitting housing. As important as it is to have public review of legislative decisions regarding planning, it is equally important to have certainty built into the permitting process to enable no break in the housing supply.

The legislature also finds that there is a need for certainty to support a legislative action. Judicial review of acts is to aid in interpretation of the law and should not be abused as a way to change the outcomes of legislative actions. Standing for review actions should be narrow and limited to people who have a personal interest in the outcome of the legislative action. Without stricter sideboards on who can promote appeals, development and new housing will grind to a halt, exacerbating this housing crisis.

Therefore, the legislature intends to set the effective date of these impactful planning actions to a time that will allow for the

SEVENTEENTH DAY, JANUARY 26, 2022

appropriate review of growth planning decisions to balance the need for more types of housing intended under this act."

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

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 963 by Senator Short on page 1, line 5 to Senate Bill No. 5042.

The motion by Senator Short did not carry and amendment no. 963 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 958 by Senator Warnick be adopted:

On page 2, at the beginning of line 9, insert "(1)"

On page 2, at the beginning of line 17, strike "(1)" and insert "(a)"

On page 2, at the beginning of line 21, strike "(2)" and insert "(b)"

On page 2, after line 22, insert the following:

"(2) This act shall not apply to jurisdictions where 30 percent of the available housing supply is not affordable for incomes at 80 percent of the adjusted median income."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 958 by Senator Warnick on page 2, line 9 to Senate Bill No. 5042.

The motion by Senator Warnick did not carry and amendment no. 958 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 964 by Senator Short be adopted:

On page 2, beginning on line 12, after "RCW 36.70A.170," strike all material through "36.70A.070(5)(d)," on line 13

Senator Short spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 964 by Senator Short on page 2, line 12 to Senate Bill No. 5042.

The motion by Senator Short did not carry and amendment no. 964 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following amendment no. 956 by Senator Braun be adopted:

On page 2, at the beginning of line 16, strike all material through "(1)" on line 17

On page 2, beginning on line 20, after "36.70A.290(2)" strike all material through "order" on line 22

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

Senators Kuderer and Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 956 by Senator Braun on page 2, line 16 to Senate Bill No. 5042.

The motion by Senator Braun did not carry and amendment no. 956 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 970 by Senator Short be adopted:

On page 2, after line 16, strike all material through "order." on line 22 and insert the following:

"(1) Upon final action taken by the legislative body of the city or county responsible for approving the action; or

(2) If a petition for review under this chapter is timely filed, upon issuance of the final decision."

On page 2, after line 22, insert the following:

"**Sec. 3.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

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

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801, an action expanding an urban growth area designated under RCW 36.70A.110, removes the designation of agricultural, forest, or mineral resource lands designated under RCW 36.70A.170, creates or expands a limited area of more intensive rural development designated under RCW 36.70A.070(5)(d), establishes a new fully contained community under RCW 36.70A.350, or creates or expands a master planned resort designated under RCW 36.70A.360;

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

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

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

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

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

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

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation

before the county or city was reasonably related to the person's issue as presented to the board.

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

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

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

On page 1, line 2 of the title, after "act;" insert "amending RCW 36.70A.280;"

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

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 970 by Senator Short on page 2, after line 16 to Senate Bill No. 5042.

The motion by Senator Short did not carry and amendment no. 970 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following amendment no. 957 by Senator Rivers be adopted:

On page 2, line 22, after "filed," strike "upon issuance of the board's final order" and insert "then 180 days after the petition is filed"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 957 by Senator Rivers on page 2, line 22 to Senate Bill No. 5042.

The motion by Senator Rivers did not carry and amendment no. 957 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENTS

On motion of Senator Fortunato and without objection, amendment no. 959 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

On motion of Senator Fortunato and without objection, amendment no. 960 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

On motion of Senator Fortunato and without objection, amendment no. 961 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

#### MOTION

Senator Fortunato moved that the following amendment no. 962 by Senator Fortunato be adopted:

On page 2, line 22, after "order." insert "A petition for review of a planning decision made pursuant to this act may be filed only

by a person who is prejudiced or likely to be prejudiced by the city or county planning under this chapter; and who will suffer actual injury if the contested action is upheld."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 962 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042.

The motion by Senator Fortunato did not carry and amendment no. 962 was not adopted by voice vote.

#### MOTION

On motion of Senator Salomon, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

Senators Short, Fortunato and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5042.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

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

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

Excused: Senators Brown and McCune

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, C.)

Enhancing opportunity in limited areas of more intense rural development.

The bill was read on Third Reading.

#### MOTIONS

SEVENTEENTH DAY, JANUARY 26, 2022

2022 REGULAR SESSION

On motion of Senator Short, the rules were suspended and Engrossed Substitute Senate Bill No. 5275 was returned to second reading for the purposes of amendment.

Senator Short moved that the following striking amendment no. 930 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including(( $\frac{1}{2}$ )), but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses,

essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity (~~shall be consistent with the character of the existing areas~~) may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation

or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas (~~or uses~~) of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas (~~or uses~~) shall not extend beyond the logical outer boundary of the existing area (~~or use~~), thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5)(d) (~~of this subsection~~), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

- (i) Land use assumptions used in estimating travel;
- (ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to

SEVENTEENTH DAY, JANUARY 26, 2022

assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 36.70A.070."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 930 to Engrossed Substitute Senate Bill No. 5275 by Senator Short.

The motion by Senator Short carried and striking amendment no. 930 was adopted by voice vote.

#### MOTION

On motion of Senator Short, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5275.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Liias

Excused: Senators Brown and McCune

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:58 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, January 27, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**EIGHTEENTH DAY****AFTERNOON SESSION**

Senate Chamber, Olympia  
Thursday, January 27, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

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

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

**REPORTS OF STANDING COMMITTEES**

January 26, 2022

**SB 5555** Prime Sponsor, Senator Van De Wege: Concerning public safety telecommunicators. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 26, 2022

**SB 5584** Prime Sponsor, Senator Trudeau: Increasing representation and voter participation in local elections. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5584 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 26, 2022

**SB 5589** Prime Sponsor, Senator Robinson: Concerning statewide spending on primary care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall,

Ranking Member; Cleveland, Chair; Conway; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Sefzik.

Referred to Committee on Rules for second reading.

January 26, 2022

**SB 5597** Prime Sponsor, Senator Saldaña: Concerning the Washington voting rights act. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 26, 2022

**SB 5606** Prime Sponsor, Senator Mullet: Expanding the use of air conditioning in adult family homes. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

January 26, 2022

**SB 5610** Prime Sponsor, Senator Frockt: Requiring cost sharing for prescription drugs to be counted against an enrollee's obligation, regardless of source. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Ranking Member; Padden and Sefzik.

Referred to Committee on Rules for second reading.

January 26, 2022

**SB 5636** Prime Sponsor, Senator Hunt: Concerning secure automatic voter registration. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Transportation.

January 26, 2022

SB 5649 Prime Sponsor, Senator Robinson: Modifying the Washington state paid family and medical leave act. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Schoesler.

Referred to Committee on Ways & Means.

January 26, 2022

SB 5699 Prime Sponsor, Senator Conway: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson; Saldaña and Schoesler.

Referred to Committee on Ways & Means.

January 26, 2022

SB 5706 Prime Sponsor, Senator Saldaña: Creating the community reinvestment account and community reinvestment program. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5706 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Schoesler.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5749 Prime Sponsor, Senator Trudeau: Concerning rent payments made by residential tenants. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 26, 2022

SB 5756 Prime Sponsor, Senator Hunt: Establishing the semiquincentennial committee. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5756 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 26, 2022

SB 5796 Prime Sponsor, Senator Saldaña: Restructuring cannabis revenue appropriations. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King, Ranking Member.

Referred to Committee on Ways & Means.

January 26, 2022

SB 5821 Prime Sponsor, Senator Rivers: Evaluating the state's cardiac and stroke emergency response system. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5885 Prime Sponsor, Senator Salomon: Concerning marine shoreline habitat. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

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

EIGHTEENTH DAY, JANUARY 27, 2022

2022 REGULAR SESSION

January 26, 2022

SB 5892 Prime Sponsor, Senator Brown: Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Referred to Committee on Ways & Means.

January 26, 2022

SGA 9311 PEDRO ESPINOZA-BRAVO, reappointed on July 1, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Rules for second reading.

January 26, 2022

SGA 9324 BRIAN SURRATT, appointed on July 15, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## INTRODUCTION AND FIRST READING

SB 5952 by Senator Carlyle

AN ACT Relating to creating pathways to recovery from addiction by eliminating an obsolete tax preference for the warehousing of opioids and other drugs; amending RCW 82.04.272; adding a new section to chapter 71.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5953 by Senator Fortunato

AN ACT Relating to the auction of abandoned vehicles and payment of sales tax; amending RCW 82.04.040; amending 2019 c 357 s 3 (uncodified); reenacting and amending RCW 82.04.050; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5954 by Senators Gildon and Braun

AN ACT Relating to reducing the impacts and incidences of chronic and unsheltered homelessness; amending RCW 43.185C.030, 69.50.4011, 69.50.4013, 10.31.115, and 74.04.660; reenacting and amending RCW 43.185C.060 and 43.185C.190; adding a new section to chapter 43.21A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; repealing 2021 c 311 ss 15 and 16; repealing 2021 c 311 s 29 (uncodified); prescribing penalties; making appropriations; and providing expiration dates.

Referred to Committee on Housing & Local Government.

SB 5955 by Senators Stanford and Fortunato

AN ACT Relating to railroad grade crossings; adding a new section to chapter 81.53 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5956 by Senator Stanford

AN ACT Relating to insurance data security; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

## MOTIONS

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

At 12:32 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Friday, January 28, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## NINETEENTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, January 28, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Fortunato, Frockt, Hunt, Lovelett, and Rivers.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Joseph Raetzer led the Senate in the Pledge of Allegiance. Mr. Raetzer is an intern for Senator Fortunato.

Rev. John Bjorge, Pastor, First Lutheran Church of Richmond Beach offered the prayer.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 27, 2022

SB 5380 Prime Sponsor, Senator Fortunato: Concerning the approval of building permits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5380 as recommended by Committee on Housing & Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5411 Prime Sponsor, Senator Stanford: Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5411 as recommended by Committee on Agriculture, Water, Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5491 Prime Sponsor, Senator Pedersen: Clarifying waiver of firearm rights. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5505 Prime Sponsor, Senator Rolfes: Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5510 Prime Sponsor, Senator King: Concerning renewal of the sales and use tax for transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5527 Prime Sponsor, Senator Wellman: Adding sublimits of coverage to an insurance policy's declaration page. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5527 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

NINETEENTH DAY, JANUARY 28, 2022

2022 REGULAR SESSION

January 27, 2022

SB 5530 Prime Sponsor, Senator Frockt: Concerning the building for the arts program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5558 Prime Sponsor, Senator King: Concerning the bistate governance of interstate toll bridges owned by local governments. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5568 Prime Sponsor, Senator Kuderer: Concerning preemption of municipal laws restricting the open carry of weapons. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5579 Prime Sponsor, Senator Hunt: Granting Washington management service employees the right to collectively bargain. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5590 Prime Sponsor, Senator Wagoner: Eliminating the 2022 expiration date of the marine resources advisory council. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5593 Prime Sponsor, Senator Short: Concerning urban growth area boundaries. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Sefzik; Trudeau; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Salomon.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5598 Prime Sponsor, Senator Lovelett: Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5619 Prime Sponsor, Senator Lovelett: Conserving and restoring kelp forests and eelgrass meadows in Washington state. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5619 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5629 Prime Sponsor, Senator Lovick: Concerning control of the disposition of remains. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden,

Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

**SB 5631** Prime Sponsor, Senator Kuderer: Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

January 27, 2022

**SB 5652** Prime Sponsor, Senator Conway: Concerning law enforcement officers' and firefighters' retirement system benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

**SB 5663** Prime Sponsor, Senator Dhingra: Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5663 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

January 27, 2022

**SB 5667** Prime Sponsor, Senator Salomon: Concerning the possession and use of forged and falsified COVID-19 vaccination documents. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

**SB 5670** Prime Sponsor, Senator Das: Creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Ways & Means.

January 27, 2022

**SB 5673** Prime Sponsor, Senator Braun: Installing signs on or near bridges to provide information to deter jumping. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5673 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

January 27, 2022

**SB 5678** Prime Sponsor, Senator Short: Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Lias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

January 27, 2022

**SB 5690** Prime Sponsor, Senator Gildon: Concerning firearms on the capitol campus for the sole purpose of organized memorial events. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5691 Prime Sponsor, Senator Gildon: Increasing transparency and accountability regarding prosecutorial filing policies and practices. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5707 Prime Sponsor, Senator Saldaña: Extending additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senator Holy.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5710 Prime Sponsor, Senator Padden: Reducing contamination in the state toxicology laboratory. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5710 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5712 Prime Sponsor, Senator Hasegawa: Concerning the transparency of local taxing districts. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5712 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5713 Prime Sponsor, Senator Das: Providing a property tax exemption for limited equity cooperative housing. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sefzik and Wilson, J..

Referred to Committee on Ways & Means.

January 27, 2022

SB 5714 Prime Sponsor, Senator Carlyle: Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato and Schoesler.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5733 Prime Sponsor, Senator Padden: Concerning civil asset forfeiture. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5747 Prime Sponsor, Senator Stanford: Concerning the statewide master oil and hazardous substance spill prevention and contingency plan. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5758 Prime Sponsor, Senator Gildon: Concerning condominium conversions. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5758 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Salomon; Sefzik; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Trudeau.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5761 Prime Sponsor, Senator Randall: Concerning employer requirements for providing wage and salary information to applicants for employment. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5772 Prime Sponsor, Senator Saldaña: Concerning postconviction access to counsel. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5773 Prime Sponsor, Senator Stanford: Extending collective bargaining rights to employees of the legislative branch of state government. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5788 Prime Sponsor, Senator Pedersen: Concerning guardianship of minors. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5789 Prime Sponsor, Senator Randall: Creating the Washington career and college pathways innovation challenge program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5799 Prime Sponsor, Senator Robinson: Modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5800 Prime Sponsor, Senator Schoesler: Modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5812 Prime Sponsor, Senator Warnick: Including Benton county as a county qualifying for the farm internship program. Reported by Committee on Agriculture, Water, Natural Resources & Parks

NINETEENTH DAY, JANUARY 28, 2022

2022 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5814 Prime Sponsor, Senator Cleveland: Providing funding for medical evaluations of suspected victims of child abuse. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5814 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5830 Prime Sponsor, Senator Liias: Increasing tenure-track faculty at the public baccalaureate institutions. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5830 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5838 Prime Sponsor, Senator Nobles: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5841 Prime Sponsor, Senator Holy: Incentivizing cities and counties to increase employment of commissioned law enforcement officers. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Salomon and Wagoner.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5849 Prime Sponsor, Senator Warnick: Concerning tax incentives. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Lovick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair and Frockt.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5868 Prime Sponsor, Senator Hawkins: Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5869 Prime Sponsor, Senator Lovick: Concerning photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel from toll systems and traffic safety cameras. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5869 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Honeyford; Kuderer and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Pedersen and Salomon.

Referred to Committee on Rules for second reading.

January 27, 2022

SB 5874 Prime Sponsor, Senator Nobles: Concerning residency of students affiliated with the military. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

January 27, 2022

SB 5880 Prime Sponsor, Senator Salomon: Concerning fire protection sprinkler system contractors. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do

pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9070 CHELSEA MASON, appointed on January 9, 2019, for the term ending April 3, 2022, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9206 JAY A REICH, appointed on October 1, 2020, for the term ending September 30, 2024, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9209 FREDERICK P. WHANG, reappointed on October 1, 2020, for the term ending September 30, 2024, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9217 PHYLLIS GUTIERREZ KENNEY, reappointed on September 17, 2020, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9285 MARTIN VALADEZ, appointed on March 8, 2021, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9290 MACK L. HOGANS, appointed on March 29, 2021, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9310 MICHAEL ROSS, appointed on June 29, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9333 CRYSTAL DONNER, reappointed on October 1, 2021, for the term ending September 30, 2025, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9356 SANDRA P. BENDIXEN, appointed on September 21, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

January 27, 2022

SGA 9398 JASON R. HAMILTON, reappointed on January 14, 2022, for the term ending December 26, 2025, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato;

Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

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

Referred to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

MOTIONS

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5691 and Senate Bill No. 5880 which were designated to the Committee on Ways & Means and referred to the Committee on Rules.

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

SB 5957 by Senators Mullet and Wilson, L.

AN ACT Relating to reducing the business and occupation tax rate on manufacturing activities; amending RCW 82.04.240, 82.04.260, 82.04.2909, 82.04.280, and 82.32.790; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; and providing an effective date.

Referred to Committee on Ways & Means.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

SB 5958 by Senator Honeyford

AN ACT Relating to capital budget matching grants to independent higher education institutions; and adding a new section to chapter 28B.07 RCW.

Referred to Committee on Ways & Means.

January 20, 2022  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MATTHEW W. RAY, appointed January 20, 2022, for the term ending January 19, 2026, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9399.

SB 5959 by Senator Wilson, L.

AN ACT Relating to the financial stability and solvency of the family and medical leave insurance account; amending RCW 44.44.040, 50A.05.070, 50A.10.030, 50A.25.070, and 69.50.540; adding a new section to chapter 50A.05 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

January 25, 2022  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY D. CHANDLER, appointed January 25, 2022, for the term ending September 30, 2026, as Member of the Big Bend Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9400.

SB 5960 by Senator Hunt

AN ACT Relating to increasing the personal property tax exemption; amending RCW 84.36.110; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5961 by Senators Sefzik and Warnick

AN ACT Relating to incentivizing the use of biochar in government contracts; and adding a new section to chapter 43.19A RCW.

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

January 25, 2022  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NORMAN SEABROOKS, appointed January 25, 2022, for the term ending September 30, 2026, as Member of the Cascadia College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9401.

SJR 8213 by Senator Hunt

Concerning the taxation of personal property.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5961 which had been designated to the Committee on State Government & Elections and was referred to the Committee on Agriculture, Water, Natural Resources & Parks.

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

MOTIONS

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

Senator Braun moved adoption of the following resolution:

SENATE RESOLUTION  
8639

By Senator Braun

WHEREAS, Senator Douglas J. Ericksen was a Whatcom County native who spent the last 22 years serving his community and the citizens of Washington State in the state legislature; and

WHEREAS, He earned his bachelor's degree from Cornell University, where he played collegiate baseball and football; and

WHEREAS, Senator Ericksen was a 1995 graduate of Western Washington University, where he earned a master's degree in political science and environmental policy; and

WHEREAS, While still in college, Senator Ericksen began his legislative career working in the office of Senator Ann Anderson, whose seat he later held; and

WHEREAS, In 1998, Senator Ericksen ran for the state House of Representatives from Whatcom County's 42nd Legislative District, and held the position for six terms; and

WHEREAS, Senator Ericksen then moved to the Senate where he chaired the Senate Energy, Environment and Telecommunications Committee from 2013 to 2017, and later continued serving as ranking Republican member; and

WHEREAS, Senator Ericksen was a steadfast advocate for preserving jobs, including jobs at manufacturing facilities such as Alcoa's Intalco Works, always taking up the cause of workers and families in his district; and

WHEREAS, Senator Ericksen played an integral role in every legislative debate over energy policy, emphasizing practical cost-effective approaches that would give electricity ratepayers and purchasers of motor fuel the biggest bang for the buck; and

WHEREAS, Fearless in the face of opposition, Senator Ericksen was one of the Legislature's strongest voices for fiscal responsibility, limiting government overreach, supporting agriculture, preservation of Washington's clean and affordable energy advantage, jobs and industrial development outside the Central Puget Sound metropolitan area, and pragmatic and balanced solutions to environmental challenges; and

WHEREAS, Senator Ericksen sponsored legislation to create the state Environmental Legacy Stewardship Account and designated cleanup projects as first priority for funding, preventing a tax increase on fuel and other products, and speeding up cleanup projects across the state, including the revitalization of former industrial properties on the Bellingham Bay waterfront; and

WHEREAS, Senator Ericksen was also instrumental in securing passage of legislation that balanced safety concerns with the practical need to get tanker cars to the refineries of Northwest Washington; and

WHEREAS, Senator Ericksen enjoyed introducing creative bills, proposing the first bill to offer a mechanism to reduce carbon ever to pass either chamber of the Washington State Legislature; and

WHEREAS, When state incentives for home and community solar installations were due to expire, Senator Ericksen successfully extended the program and phased it out smoothly, a move that spurred the installation of thousands of new solar systems and created over a thousand jobs before sunset, according to legislative auditors; and

WHEREAS, Senator Ericksen worked hard to support public-private partnerships to develop new fish hatcheries on Puget Sound to provide salmon for fishermen and feedstock for Washington's resident orca whales; and

WHEREAS, Senator Ericksen was fond of introducing legislation to make a point, and one such instance was a proposal

to restore Seattle waterways and other Seattle water projects to a pristine wilderness state; and

WHEREAS, Senator Ericksen was a champion for protecting the rights of the individual and the freedoms guaranteed by the state and federal Constitutions; and

WHEREAS, Senator Ericksen deeply respected and cherished the privilege of representing his constituents in the state legislature; and

WHEREAS, Senator Ericksen passed away on December 17, 2021, at age 52, but his legacy lives on; and

WHEREAS, He is survived by his wife Tasha, and two daughters, Elsa and Addi, his mother Bettelou, brothers David and Donald, and many loving friends and members of his extended family;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature honor Senator Doug Ericksen and further his dedication and service to the citizens of Washington State.

Senators Braun, Sefzik, Carlyle, Fortunato, Billig, Warnick, Mullet, Padden, Saldaña and Wilson, J. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8639.

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

MOTION

Pursuant to Rule 20 requiring unanimous consent, on motion of Senator Pedersen, the names of all the members of the Senate were added to Senate Resolution No. 8639.

MOMENT OF SILENCE

At the request of the President, the Senate rose and observed a moment of silence in honor and memory of Senator Doug Ericksen, who passed away December 17, 2021.

The President appointed Senator Braun to escort the family of Senator Ericksen, who were present in the gallery, to the Chamber.

Senator Braun escorted Senator Ericksen's widow, Mrs. Tasha Ericksen and their daughters Miss Elsa Ericksen and Miss Addie Ericksen to the Chamber.

The President invited the Ericksen Family to join the President at the rostrum and made the following presentation:

REMARKS BY THE PRESIDENT

President Heck: "Mrs. Ericksen - Tasha, if I may? - I think sometimes it's pretty challenging in contemporary politics to stay in touch with our shared humanity, and unfortunately at times it feels as though tragedy is necessary to do that. And Doug's passing was a tragedy. I have no illusion that any word spoken here today can in any way materially diminish your pain and grief, but I want you to know that this entire chamber, and its entire membership, as so eloquently expressed by so many, extends its deepest condolences and sympathy to you and our collective voice of gratitude to Senator Ericksen for his service. In that spirit, it's my privilege to present with you this American flag which was flown over the state capital on the day of Doug's funeral. And if I may, I have something very similar to this in my living room to remind me of a family member. And all I can say is every single time I look at it, every single day, I'm reminded of my gratitude for their service. And I'm reminded of my appreciation. And so, it is my hope that as you glance at this or see this, you will carry

NINETEENTH DAY, JANUARY 28, 2022

2022 REGULAR SESSION

with you the expressions today of our gratitude and condolences to you and the family.”

The President presented Mrs. Tasha Ericksen with a U.S. national flag.

Senator Braun escorted the Ericksen Family from the Chamber.

MOTION

At 2:28 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 3:02 p.m. by President Heck.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that Judy F. Kuschel, Senate Gubernatorial Appointment No. 9278, be confirmed as a member of the State Investment Board.

Senator Mullet spoke in favor of the motion.

MOTIONS

On motion of Senator Wagoner, Senators Fortunato, Rivers and Sheldon was excused.

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

APPOINTMENT OF JUDY F. KUSCHEL

The President declared the question before the Senate to be the confirmation of Judy F. Kuschel, Senate Gubernatorial Appointment No. 9278, as a member of the State Investment Board.

The Secretary called the roll on the confirmation of Judy F. Kuschel, Senate Gubernatorial Appointment No. 9278, as a member of the State Investment Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

Judy F. Kuschel, Senate Gubernatorial Appointment No. 9278, having received the constitutional majority was declared confirmed as a member of the State Investment Board.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Hester Serebrin, Senate Gubernatorial Appointment No. 9340, be confirmed as a member of the Transportation Commission.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF HESTER SEREBRIN

The President declared the question before the Senate to be the confirmation of Hester Serebrin, Senate Gubernatorial Appointment No. 9340, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Hester Serebrin, Senate Gubernatorial Appointment No. 9340, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

Hester Serebrin, Senate Gubernatorial Appointment No. 9340, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 5489, by Senators Pedersen, Padden, Dhingra and Mullet

Concerning business entities.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5489 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5489.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5489 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5506, by Senators Kuderer, Hasegawa, Lovick and Wilson, C.

Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5506 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5506.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5506 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5612, by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, L., the rules were suspended, Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, L. and Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5612.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5612 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5617, by Senators Cleveland, Mullet and Wilson, L.

Concerning population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs.

The measure was read the second time.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5617.

## ROLL CALL

NINETEENTH DAY, JANUARY 28, 2022

2022 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5617 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Honeyford

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5572, by Senators Wilson, C., Dhingra, Conway, Honeyford, Hunt, Randall and Wagoner

Implementing the recommendations of the Washington state internet crimes against children task force.

MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 5572 was substituted for Senate Bill No. 5572 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5572.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SUBSTITUTE SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5504, by Senators Warnick, Van De Wege, Billig, Conway, Das, Lovelett, Mullet, Nguyen, Randall, Saldaña, Wagoner, Wilson, J. and Wilson, L.

Extending current discover pass free days from state parks to all state recreation sites and lands.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5787, by Senators Nguyen, Dhingra, Frockt, Keiser, Kuderer, Liias, Lovick, Nobles and Pedersen

Concerning the linked deposit program.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5787.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins,

Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett, Rivers and Sheldon

SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5552, by Senators Van De Wege, Mullet and Nobles

Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements.

The measure was read the second time.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5552.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett and Rivers

SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5641, by Senators Short and Wilson, L.

Promoting local agriculture through greenhouses.

The measure was read the second time.

#### MOTION

On motion of Senator Short, the rules were suspended, Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett and Rivers

SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5602, by Senators Mullet and Hasegawa

Concerning service providers working with state-regulated financial institutions.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5602.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5602 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Fortunato, Frockt, Hunt, Lovelett and Rivers

SENATE BILL NO. 5602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5624, by Senators Warnick, Van De Wege and Nobles

NINETEENTH DAY, JANUARY 28, 2022

2022 REGULAR SESSION

Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5624.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Gildon, Hasegawa, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hawkins, Padden and Schoesler

Excused: Senators Fortunato, Frockt, Hunt, Lovelett and Rivers

SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Pedersen: "Thank you very much Mr. President. I am going to go a little bit off script and request to rise to a point of personal privilege. Thank you very much Mr. President. January 13, 2014, was a momentous day. That was my first day over here on this side of the rotunda. And that day I got an email from a young lady who had just begun as a session staffer and, for the Senate Democratic Caucus, and was assigned to the Senate Law and Justice Committee to help us out. That young lady was Victoria Cantore who went on to serve several years in that position. She took a break from us for a year to go to the Governor's office and then came back here and in an appropriate bookend, it has been my great pleasure in this new role to have a chance once again to work closely with Victoria. I can't say enough positive really about her and about the good judgement, the professionalism, the sense of humor with which she has approached everything that she has done for us. Just, really, it has been a really great experience. And we are going to miss her profoundly, her wisdom, her hard work, her dedication, her sense of probity and her respect for the institution, and so Mr. President, I hope that you and the other members will join me in thanking Victoria for her outstanding service to the Senate and to the people of the state of Washington."

#### PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President, I rise to a point of personal privilege. Thank you, Mr. President. Now I know our Counsel Cantore is a very stickler for the rules, and the rules say that you are only allowed to rise to a question of privilege if it is

a manner unique and peculiar to that particular senator. And I was weighing whether my comments would rise to the Cantore level of unique and particular. And I concluded that since Victoria Cantore has both saved me from losing my mind, and from at times losing life, that that would be unique and particular enough for me to rise and honor her. In addition to what our Floor Leader has said, I would just add that Victoria has brought a humanity and a kindness and a gentleness to what can often be a stressful and very difficult process. Her baked ziti has fed our stomachs. Her stories of her growing up have fed our sense of humor and our souls, and the incredible analysis and legal work that she has brought to her tasks have also helped us make better laws for the people of Washington. When I was growing up, my mom would chide me often and say, 'Don't make a federal case out of everything.' So, it is in particular honor to know that executive assistant U.S. attorney Cantore will be making a federal case out of everything. And to the criminals of western Washington, beware: there is a sharp and diligent cop on the beat who will be enforcing our laws. I could not be more privileged to call her my friend and to thank her for her many years of service, and to wish her all the best in her next adventures."

#### PERSONAL PRIVILEGE

Senator Padden: "A point of personal privilege Mr. President. Well, I also want to join in the tributes to our attorney up on the dais there, Ms. Cantore. And I got to know her during the same time Senator Pedersen was over here when we were working on the Law and Justice Committee, and she was very much involved. So yes, she has a sense of grace, very competent, wonderful person to have around, and I recall fondly working with Senator Liias when we had the shower for her very unusual situation. Both Senator Liias and his assistant at the time, I believe Louis, did a great job of organizing that. But it is our loss, and certainly your loss, Mr. President, and in addition it's the gain for the U.S. attorney's office of western Washington. So, we will miss her a lot. Thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator Dhingra: "Thank you Mr. President, I rise to a point of personal privilege. Thank you, Mr. President. I am very rarely at a loss for words. But words can not fully convey how much having gotten to know Victoria Cantore has meant to me. I had a challenging transition from the professional life to the political life. I was not engaged in the political life at all prior to getting elected as a senator. And she is someone who really helped make that transition so much more enjoyable. And I learned a lot from her, and I am truly honored to call her my friend. And I look forward to continuing our relationship in her new role as a prosecutor. And I couldn't ask for a better transition to her new work environment as the new role that she has. So, she will be greatly missed, and I know that the Senate has been enriched by her experience and her presence on the floor. Thank you."

#### PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President, rising to a point of personal privilege. Thank you, Mr. President. Also want to offer words of gratitude and good luck to Victoria and I'll be brief because the speakers before me have been very eloquent and right on the same feelings that I have about Victoria. But I just want to express that when I came in as a rookie majority leader four years ago and had really had no idea what to do. And as it turns out as majority leader, you have to make a lot of big decisions. Like big, constitutional decisions, like are we gonna sue a governor, are we gonna go to battle with the other chamber, there is just all kinds of things, ethics issues involving members that can be very sticky.

And it was so comforting to me to have a legal advisor, counsel, attorney, that I completely trusted, and she gave wise advice, she did it with a sense of humor and she helped me, she helped the Senate, and she helped our state to be better because of it. This is a well-deserved career advancement for her, I couldn't be happier for her. Although we are gonna miss you very significantly. Thank you, Mr. President."

#### REMARKS BY THE PRESIDENT

President Heck: "The President would like to exercise a point of personal privilege. The members of this chamber in varying amounts have been aided considerably by the talents of Ms. Cantore over a long period of time. I dare suggest that no one has benefited more in a short period of time than the rookiest of rookies and that is your new presiding officer last year. I fear that I sometimes observe to the point of boredom that I have intermittently been privileged to be a part of this institution, now forty-nine years. And I can tell you with all objectivity that when it comes to the caliber, the integrity, the intellectual prowess, the commitment to the institution, it does not get better than these two women. [The President gestures to Senate Counsels Victoria Cantore and Jeannie Gorrell] It does not. Every one of us should appreciate frankly how they have approached this job. Victoria, to suggest you'll be missed is to engage in unbelievable understatement. I have confidence in your successor to be clear. But I, the President, owes you an eternal debt. This institution's loss is the U.S. attorney's office gain. And therefore, all our gain. And accordingly, we are all grateful for your next level of public service, and deeply, deeply so for that which you've rendered to this institution. Thank you."

#### PERSONAL PRIVILEGE

Senator Trudeau: "Thank you Mr. President, rising to request of point of personal privilege. Thank you, Mr. President. I just wanted to offer some perspective here. I know I am a new member, and I haven't had the chance to work with Victoria much in this new role, but I just thought I'd offer some insight into somebody that I've called my friend for a number of years, and frankly grown up alongside which has been amazing. And she's not just amazing because of she is also a constituent of the Twenty-seventh Legislative District, Mr. President. But also because I remember when I was an LA, and she used to come down to our office, she was actually staffing a committee that the member I was working for interacted with quite often, and I just admired how astute she was, how responsive she was, and frankly I just always have a deep and sincere gratitude to smart lady lawyers so she inspired me to then seek a position as caucus staff Mr. President, and has continued to inspire me in my professional career. And especially as a younger professional woman with young children, I just admire her so deeply and look forward to continue watching her grow and just wanted to express that gratitude Mr. President. Thank you."

#### MOTION

At 4:01 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:45 a.m. Monday, January 31, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## TWENTY SECOND DAY

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MORNING SESSION

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Senate Chamber, Olympia  
Monday, January 31, 2022

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 28, 2022

SB 5252 Prime Sponsor, Senator Wellman: Concerning school district consultation with local tribes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5497 Prime Sponsor, Senator Wilson, C.: Extending voting authority to student members on the state board of education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

January 28, 2022

SB 5532 Prime Sponsor, Senator Keiser: Establishing a prescription drug affordability board. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Padden; Rivers and Sefzik.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5537 Prime Sponsor, Senator Wellman: Changing compulsory school attendance requirements for children five, six, and seven years of age. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5594 Prime Sponsor, Senator Short: Concerning public school instruction in awareness of bone marrow donation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

January 28, 2022

SB 5644 Prime Sponsor, Senator Wagoner: Concerning providing quality behavioral health co-response services. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5655 Prime Sponsor, Senator Dhingra: Making state hospitals available for short-term detention and involuntary commitment. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5664 Prime Sponsor, Senator Dhingra: Concerning forensic competency restoration programs. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5695 Prime Sponsor, Senator Dhingra: Concerning the body scanner pilot program at the department of corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5720 Prime Sponsor, Senator Mullet: Providing student financial literacy education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5723 Prime Sponsor, Senator Rivers: Concerning improving diversity in clinical trials. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Sefzik.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member and Padden.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5730 Prime Sponsor, Senator Randall: Concerning confidentiality rights of child victims and witnesses. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

January 28, 2022

SB 5736 Prime Sponsor, Senator Frockt: Concerning partial hospitalizations and intensive outpatient treatment services for minors. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5736 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5752 Prime Sponsor, Senator Trudeau: Creating the Washington future fund trust fund program. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5752 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

January 28, 2022

SB 5762 Prime Sponsor, Senator Wagoner: Creating the purple star award. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5762 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

January 28, 2022

SB 5765 Prime Sponsor, Senator Randall: Concerning the practice of midwifery. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do

TWENTY SECOND DAY, JANUARY 31, 2022

2022 REGULAR SESSION

pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

Referred to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senators Padden; Rivers and Sefzik.

January 28, 2022

SB 5866 Prime Sponsor, Senator Robinson: Concerning medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes. Reported by Committee on Health & Long Term Care

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Rivers; Robinson; Sefzik and Van De Wege.

January 28, 2022  
SB 5798 Prime Sponsor, Senator Wilson, C.: Increasing public school participation in the community eligibility provision of the United States department of agriculture. Reported by Committee on Early Learning & K-12 Education

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

January 28, 2022

SB 5878 Prime Sponsor, Senator Rolfes: Clarifying visual and performing arts instruction. Reported by Committee on Early Learning & K-12 Education

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

MAJORITY recommendation: That Substitute Senate Bill No. 5878 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune and Pedersen.

Referred to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

January 28, 2022

SB 5807 Prime Sponsor, Senator Warnick: Improving behavioral health outcomes by enhancing engagement of state hospitals. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

January 28, 2022

SB 5884 Prime Sponsor, Senator Trudeau: Establishing behavioral health support specialists. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

Referred to Committee on Ways & Means.

January 28, 2022

SB 5824 Prime Sponsor, Senator Nobles: Providing dependent youth with financial education and support. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5884 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

MAJORITY recommendation: That Substitute Senate Bill No. 5824 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and Dozier.

January 28, 2022

SB 5894 Prime Sponsor, Senator Frockt: Integrating behavioral health in primary care through the use of health navigators and a primary care collaborative. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

January 28, 2022

SB 5827 Prime Sponsor, Senator Dozier: Concerning offender management network information and electronic health records systems at the department of corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; Saldaña and Trudeau.

January 28, 2022

SB 5900 Prime Sponsor, Senator Van De Wege: Creating a provisional paramedic or emergency medical technician license. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do

pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

January 28, 2022

**SB 5912** Prime Sponsor, Senator Sefzik: Improving health outcomes for children on medicaid. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

January 28, 2022

**SB 5929** Prime Sponsor, Senator Wilson, C.: Changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Ranking Member and Dozier.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### MESSAGE FROM OTHER STATE OFFICERS

**Agriculture, Department of** – “*Pesticide Management Division 2021 Annual Report*”; pursuant to 15.58.420 RCW;

**Auto Theft Prevention Authority, Washington** – “*Auto Theft Prevention Authority 2021 Annual Report*”; in accordance with Engrossed Third Substitute House Bill No. 1001;

**Chief Information Officer, Office of** – “*Annual Independent Recommendations on Oversight of IT Projects 2021*”; in accordance with Engrossed Substitute Senate Bill No. 5092; “*Annual Independent Recommendations on Oversight of IT Projects 2021 Cover Memo*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Biennial Performance Report Cover Letter*”, pursuant to 43.105.220 RCW; “*FY20-FY21 IT Biennial Report*”, pursuant to 43.105.220 RCW;

**Commerce, Department of** – “*Affordable Housing Cost Data Report 2021*”, in accordance with Substitute House Bill No. 1102; “*Human Trafficking Laws and Investigations, July 2019-June 2021*”, pursuant to 43.280.095 RCW; “*Buy Clean Buy Fair Washington Project Progress Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Criminal Penalty*

*Fees Related to Sexual Exploitation Crimes, Fiscal Year 2021 Report*”, pursuant to 43.280.100 RCW;

**Corrections, Department of** – “*Unexpected Fatality Review Committee Report – 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5119; “*Unexpected Fatality Review Corrective Action Plan – 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5119; “*Creating Prison-to-Postsecondary Education Pathways: 2021 Report to the Legislature*”, in accordance with Second Substitute House Bill No. 1044; “*Federal Medicaid for Residential DOSA and Intensive Inpatient Treatment Funding: 2021 Findings and Recommendations*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Community Custody Terms: Violation Response, 2021 Report to the Legislature*”, pursuant to 72.09.312 RCW; “*Office of Firearm Safety and Violence Prevention 2021 Report*”, pursuant to 43.330A.020 RCW;

**Courts, Administrative Office of the** – “*Uniform Guardianship Act Reimbursement Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*District and Municipal Court Judges' Association Annual Report for 2021*”, pursuant to 3.70.040 RCW;

**Enterprise Services, Department of** – “*Information Technology Contracts Report 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Information Technology Contracts Report 2021 Transmittal Memo*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Financial Management, Office of** – “*Audit Resolution, 2021 Report*”, pursuant to 43.88.160 RCW;

**Fish and Wildlife, Department of** – “*Implementing Initiative 1401: The Washington Animal Trafficking Act Report to the Legislature 2022*”, pursuant to 77.15.135 RCW;

**Health Care Authority** – “*PEBB One-Time Enrollment Window for Retirees to Reestablish Eligibility*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Rural Health Access Preservation Pilot Final Report*”, in accordance with Engrossed Substitute House Bill No. 2450; “*Mental Health Drop-In Centers: Report of the Implementation of the Pilot*”, in accordance with Second Substitute House Bill No. 1394; “*Implementation Plan to Continue the Expansion of Civil Long-Term Inpatient Capacity*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Insurance Commissioner, Office of the** – “*Health Plan Prior Authorization Data, 2021 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6404;

**Sea Grant, Washington** – “*Shellfish Production Best Management Practices Three-Year Study, Final Report*” in accordance with Engrossed Substitute House Bill No. 1109;

**Social & Health Services, Department of** – “*Improving Patient and Staff Safety in State Hospitals - Status Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*WorkFirst Wage Progression Report - 2021 First Quarter*”, pursuant to 74.08A.411 RCW; “*Forensic Admissions and Evaluations - Performance Targets 2021 Third Quarter (July 1, 2021-September 30, 2021)*”; pursuant to 10.77.068 RCW; “*Fourteen Day Standard - 2021 Progress Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092 and pursuant to 71.05.365 RCW; “*Community Client's Access to Facility-Based Professionals*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Forensic Admissions & Evaluations, 2021 Annual Report*”, pursuant to 10.77.068 RCW; “*Performance Report for Eastern and Western State Hospitals SFY 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*WorkFirst Maintenance of Effort and Work Participation Rate - 2021 Second Quarter*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Institutions for Mental Disease (IMD)*

TWENTY SECOND DAY, JANUARY 31, 2022

*Disproportionate Share Hospital (DSH) funding*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Transportation, Department of** – *“Broadband Facilities Consolidation Report”*, in accordance with Substitute Senate Bill No. 5165; *“2019-2021 Low Cost Enhancement Program Report”*, in accordance with Substitute Senate Bill No. 5165; *“Practical Design Savings on Connecting Washington Funded Projects, January 2022”*, pursuant to 47.01.480 RCW; *“SR 520 Bridge Self-Insurance Evaluation”*, in accordance with Substitute Senate Bill No. 5165; *“Ferries Division - Fiscal Year 2021 Performance Report”*, pursuant to 47.64.360 RCW; *“Vehicle Miles of Travel (VMT) Targets - Technical Report”*, in accordance with Substitute Senate Bill No. 5165; *“Public Transportation, 2020 Summary”*, pursuant to 35.58.2796 RCW;

**Utilities and Transportation Commission** - *“Performance Based Regulation Report”*, in accordance with Engrossed Substitute Senate Bill No. 5295; *“Performance Based Regulation Report Appendix”*, in accordance with Engrossed Substitute Senate Bill No. 5295;

**Washington State Patrol** – *“Rapid DNA Pilot Program Plan”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Land Mobile Radio System Semiannual Report January 2022”*, in accordance with Substitute Senate Bill No. 5165.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

MESSAGES FROM THE HOUSE

January 26, 2022

MR. PRESIDENT:  
The House has passed:

ENGROSSED HOUSE BILL NO. 1165,  
and the same is herewith transmitted.  
MELISSA PALMER, Deputy Chief Clerk

January 26, 2022

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1105,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1117,  
ENGROSSED HOUSE BILL NO. 1453,  
HOUSE BILL NO. 1622,  
SUBSTITUTE HOUSE BILL NO. 1646,  
HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 1675,  
SUBSTITUTE HOUSE BILL NO. 1708,  
HOUSE BILL NO. 1874,  
SUBSTITUTE HOUSE BILL NO. 1961,  
and the same are herewith transmitted.  
BERNARD DEAN, Chief Clerk

January 28, 2022

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1183,  
SUBSTITUTE HOUSE BILL NO. 1615,  
HOUSE BILL NO. 1700,  
HOUSE BILL NO. 1719,  
SUBSTITUTE HOUSE BILL NO. 1725,

2022 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1735,  
HOUSE BILL NO. 1761,  
HOUSE BILL NO. 1798,  
HOUSE BILL NO. 1978,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5962 by Senators Das, Rolfes and Lovelett

AN ACT Relating to setting and achieving a 30 by 30 conservation goal; and adding a new chapter to Title 79A RCW.

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

SB 5963 by Senator Nguyen

AN ACT Relating to the working families' tax exemption, also known as the working families tax credit; and amending RCW 82.08.0206, 82.32.050, and 82.32.290.

Referred to Committee on Ways & Means.

SB 5964 by Senators Mullet, Kuderer and Gildon

AN ACT Relating to consolidated local permit review processes; amending RCW 36.70B.140; adding new sections to chapter 36.70B RCW; and making appropriations.

Referred to Committee on Housing & Local Government.

SB 5965 by Senator Braun

AN ACT Relating to repealing the long-term services and supports trust program authorized in chapter 50B.04 RCW, including the repeal of taxes to be paid by employees through payroll deductions; creating new sections; and repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, 50B.04.900, and 50B.04.---

Referred to Committee on Health & Long Term Care.

SB 5966 by Senator Sefzik

AN ACT Relating to cost and water right data provided by the department of ecology prior to a water rights adjudication; and amending RCW 90.03.110.

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

SB 5967 by Senators Carlyle and Rolfes

AN ACT Relating to imposing a state climate resiliency and mitigation surcharge on large financial institutions financing the global fossil fuel industry while recognizing the financial institution industry's efforts to address climate change; amending RCW 82.04.29004; adding a new section to

chapter 70A.05 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

#### MOTIONS

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

At 11:48 a.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Tuesday, February 1, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## TWENTY THIRD DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Tuesday, February 1, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to continue to meet during the day's floor session.

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

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

## REPORTS OF STANDING COMMITTEES

January 31, 2022

SB 5555 Prime Sponsor, Senator Van De Wege: Concerning public safety telecommunicators. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 31, 2022

SB 5604 Prime Sponsor, Senator Keiser: Adding references to contractor licensing laws in workers' compensation, public works, and prevailing wage statutes. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 31, 2022

SB 5616 Prime Sponsor, Senator Rolfes: Concerning accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do

pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Transportation.

January 31, 2022

SB 5702 Prime Sponsor, Senator Trudeau: Requiring coverage for donor breast milk. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Sefzik.

Referred to Committee on Ways & Means.

January 31, 2022

SB 5704 Prime Sponsor, Senator Randall: Requiring health carriers to reimburse advanced registered nurse practitioners at the same rate as physicians for the same services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Padden and Rivers.

Referred to Committee on Ways & Means.

January 31, 2022

SB 5784 Prime Sponsor, Senator Lovelett: Adding psychologists for mental health only claims to the list of those who can act as an attending provider. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 31, 2022

SB 5790 Prime Sponsor, Senator Braun: Strengthening critical community support services for individuals with intellectual and developmental disabilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2022

SB 5791 Prime Sponsor, Senator Schoesler: Concerning law enforcement officers' and firefighters' retirement system benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Van De Wege.

Referred to Committee on Rules for second reading.

January 31, 2022

SB 5819 Prime Sponsor, Senator Braun: Concerning the developmental disabilities administration's no-paid services caseload. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2022

SB 5873 Prime Sponsor, Senator Keiser: Concerning unemployment insurance, family leave, and medical leave premiums. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt;

Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

January 31, 2022

SB 5875 Prime Sponsor, Senator Nguyen: Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### INTRODUCTION AND FIRST READING

SB 5968 by Senator Fortunato

AN ACT Relating to requiring the department of fish and wildlife to track the effect of certain specified activities on salmon populations; and adding a new section to chapter 77.04 RCW.

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

SB 5969 by Senator Mullet

AN ACT Relating to delaying the office of the insurance commissioner from conducting rule making on the use of credit scores in setting insurance premiums until a work group can address ways to reduce insurance costs for Washington residents with below average credit scores; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

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

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

Referred to Committee on Law & Justice.

TWENTY THIRD DAY, FEBRUARY 1, 2022

2022 REGULAR SESSION

E2SHB 1117 by House Committee on Appropriations (originally sponsored by Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis)

AN ACT Relating to promoting salmon recovery through revisions to the state's comprehensive planning framework; amending RCW 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

EHB 1165 by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

AN ACT Relating to the Washington credit union act; and amending RCW 31.12.005, 31.12.402, 31.12.404, 31.12.436, and 31.12.438.

Referred to Committee on Business, Financial Services & Trade.

HB 1183 by Representatives Caldier and Johnson, J.

AN ACT Relating to creating the home sharing support grant program; amending RCW 36.22.179 and 36.22.1791; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing & Local Government.

EHB 1453 by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

AN ACT Relating to voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, 29A.32.280, and 29A.72.025; and providing an effective date.

Referred to Committee on State Government & Elections.

SHB 1615 by House Committee on Consumer Protection & Business (originally sponsored by Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons, Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby)

AN ACT Relating to the sale of cosmetics tested on animals; adding a new chapter to Title 69 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1622 by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

AN ACT Relating to increasing the availability of sexual assault nurse examiner education in rural and underserved areas; adding new sections to chapter 28B.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SHB 1646 by House Committee on Health Care & Wellness (originally sponsored by Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby)

AN ACT Relating to continuing the work of the dementia action collaborative; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1651 by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

AN ACT Relating to allowing providers to bill separately for immediate postpartum contraception; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1675 by House Committee on Health Care & Wellness (originally sponsored by Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli)

AN ACT Relating to exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act; and amending RCW 18.64.257 and 69.41.032.

Referred to Committee on Health & Long Term Care.

HB 1700 by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks, Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

AN ACT Relating to sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax; amending RCW 82.49.030; and creating a new section.

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

SHB 1708 by House Committee on Health Care & Wellness (originally sponsored by Cody, Riccelli, Bateman, Macri, Tharinger and Pollet)

AN ACT Relating to facility fees for audio-only telemedicine; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health & Long Term Care.

HB 1719 by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

AN ACT Relating to modifying the restrictions on the use and acquisition of military equipment by law enforcement agencies as it pertains to firearms and ammunition but only with respect to removing the restriction on ammunition, narrowing the restriction on firearms to include only rifles of .50 caliber or greater, and clarifying that the restrictions do not apply to shotguns, devices designed or used to deploy less lethal munitions, and less lethal equipment; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Law & Justice.

SHB 1725 by House Committee on Public Safety (originally sponsored by Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame)

AN ACT Relating to the creation of an endangered missing person advisory designation for missing indigenous persons; amending RCW 13.60.010; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1735 by House Committee on Public Safety (originally sponsored by Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier)

AN ACT Relating to modifying the standard for use of force by peace officers but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, authorizing the use of physical force to take a person into custody or provide assistance in certain circumstances involving a civil or forensic commitment, authorizing the use of physical force to take a minor into protective custody, authorizing the use of physical force to execute or enforce a court order, defining de-escalation tactics, clarifying when de-escalation tactics and less lethal alternatives must be used by a peace officer, specifying that the standard does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions, and specifying that the standard does not prevent a peace officer from responding to requests for assistance or service; amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1761 by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

AN ACT Relating to allowing nurses to dispense opioid overdose reversal medication in the emergency department; amending RCW 70.41.480; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

HB 1798 by Representatives Ryu, Boehnke and Berry

AN ACT Relating to powers of the legislative committee on economic development and international relations; and amending RCW 43.15.070.

Referred to Committee on Business, Financial Services & Trade.

HB 1874 by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous arrests or criminal convictions; and amending RCW 18.400.020 and 18.400.030.

Referred to Committee on Business, Financial Services & Trade.

SHB 1961 by House Committee on Civil Rights & Judiciary (originally sponsored by Peterson and Ramel)

AN ACT Relating to the authority of the courts to waive auditor's fees for filing and recording name change orders; amending RCW 4.24.130 and 36.18.010; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1978 by Representatives Duerr and Pollet

AN ACT Relating to shoreline master program review schedules; amending RCW 90.58.080 and 90.58.080; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

#### MOTIONS

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

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

#### MOTION

Senator Nguyen moved adoption of the following resolution:

#### SENATE RESOLUTION 8640

By Senators Nguyen and Cleveland

WHEREAS, On this first day of February in 2022 the people of the great state of Washington unite to celebrate the Lunar New Year, joining to distinguish Asian American joy, cultures, and beautiful diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Tiger, a zodiac sign characterized by boldness, strength, fearlessness, and courage that this chamber is driven to embark; and

WHEREAS, Washington acknowledges both the wonderful heritage and collective trauma of our Asian American ancestors; and

WHEREAS, We deeply appreciate the Asian American frontline workers who provide direct services to Washington during the pandemic, risking their lives and well-being, and enduring the disproportionate uncertainty; and

WHEREAS, We highlight the solidarity and strength of the Asian American community in the face of violent racism, during the pandemic - well before - and ongoing; and

WHEREAS, The Lunar New Year is a time to embrace reflections and understanding as we look towards renewal; and

WHEREAS, We step into the Year of the Tiger not just as an individual, but as a family united in compassion and community stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate stand with the Asian American community in times of crisis and in times of celebration, we come together now with memories of

TWENTY THIRD DAY, FEBRUARY 1, 2022

fond endings and visions for new beginnings in acknowledgment of the Lunar New Year.

Senator Nguyen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

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

#### MOTION

At 12:36 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Wednesday, February 2, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## TWENTY FOURTH DAY

## NOON SESSION

Senate Chamber, Olympia  
Wednesday, February 2, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## REMARKS BY THE PRESIDENT

President Heck: "Before we proceed, the President regrets to inform you that yet another member of our family has fallen prey to COVID. You may notice the absence of a particular person up here at the rostrum. Our incredibly talented Secretary of the Senate, Sarah Bannister, has been diagnosed with COVID. I spoke with her this morning. She is not asymptomatic, but is feeling fairly well, and looking forward to a full recovery and return. It is a good reminder I think, to everyone, to recognize and follow the protocols associated with it. This disease is not yet done. This virus is not yet done with us. It's also an opportunity for me to ask all of you to continue to extend your greatest patience as we attempt to deal with a lot of new players in their positions at the rostrum. I have one-hundred percent confidence in this incredibly talented staff, but we are dealing under unusual circumstances. And with that, Secretary will call the roll."

The acting Secretary called the roll and announced to the President that all senators were present with the exception of Senator Brown.

The Washington State Patrol Honor Guard presented the Colors.

Miss Kate Heber of Lake Washington High School led the Senate in the Pledge of Allegiance. Miss Heber was a guest of Senator Dhingra.

Rabbi Tamar Malino, Temple Beth Shalom, Spokane, offered the prayer.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

February 2, 2022

**SB 5098** Prime Sponsor, Senator Hunt: Concerning certain reports. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

February 1, 2022

**SB 5526** Prime Sponsor, Senator Fortunato: Studying the global availability of lithium and rare earth minerals for battery manufacturing. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5526 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frock; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 1, 2022

**SB 5544** Prime Sponsor, Senator Brown: Establishing the Washington blockchain work group. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 2, 2022

**SB 5650** Prime Sponsor, Senator Wilson, J.: Providing voters with information regarding elections law violations within the voters' pamphlet. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair and Hawkins.

MINORITY recommendation: Do not pass. Signed by Senators Kuderer, Vice Chair and Hasegawa.

Referred to Committee on Rules for second reading.

February 1, 2022

**SB 5755** Prime Sponsor, Senator Trudeau: Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of vacant lands in urban areas. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik and Wilson, J.

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick.

elections conducted within the state. Reported by Committee on State Government & Elections

Referred to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

February 2, 2022

SB 5782 Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on State Government & Elections

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 1, 2022

SB 5844 Prime Sponsor, Senator Liias: Concerning work performed by institutions of higher education. Reported by Committee on Higher Education & Workforce Development

February 2, 2022

SB 5817 Prime Sponsor, Senator Frockt: Restricting the use of synthetic media in campaigns for elective office. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 1, 2022

SB 5847 Prime Sponsor, Senator Liias: Providing information to public service employees about the public service loan forgiveness program. Reported by Committee on Higher Education & Workforce Development

February 1, 2022

SB 5818 Prime Sponsor, Senator Salomon: Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MAJORITY recommendation: That Substitute Senate Bill No. 5818 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5854 Prime Sponsor, Senator Randall: Concerning ethical performance of faculty duties. Reported by Committee on State Government & Elections

February 1, 2022

SB 5825 Prime Sponsor, Senator Kuderer: Establishing a rental and vacant property registration program work group. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5843 Prime Sponsor, Senator Frockt: Making it unlawful for public officials and candidates to knowingly make false statements and claims regarding the election process or results of

SB 5855 Prime Sponsor, Senator Lovelett: Concerning the use of campaign funds to reimburse expenses for child care and other caregiving services. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2022

SB 5901 Prime Sponsor, Senator Randall: Concerning economic development tax incentives for targeted counties. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt; Lovick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member and Brown.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5908 Prime Sponsor, Senator Liias: Creating the clean car authority as a new state government agency. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Transportation.

February 2, 2022

SB 5909 Prime Sponsor, Senator Randall: Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

February 1, 2022

SB 5918 Prime Sponsor, Senator Frockt: Adding a faculty member to the board of regents at the research universities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

SB 5946 Prime Sponsor, Senator Mullet: Protecting consumers from the discontinuance of the London interbank offered rate. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9006 KAREN T. LEE, reappointed on October 1, 2016, for the term ending September 30, 2022, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9018 MICHAEL S. MAXWELL, reappointed on October 3, 2017, for the term ending September 30, 2022, as Member of the Peninsula College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9019 SHARONNE A. NAVAS, reappointed on October 19, 2017, for the term ending September 30, 2022, as Member of the Green River College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9020 NEIL A. MCCLURE, appointed on October 30, 2017, for the term ending September 30, 2022, as Member of the Yakima Valley Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

SGA 9021 REBECCA M. JOHNSON, appointed on November 20, 2017, for the term ending September 30, 2022, as Member of the Whatcom Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9022 STEVEN R. HILL, reappointed on December 20, 2017, for the term ending September 30, 2022, as Member of the Seattle College District Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9028 GLENN A. JOHNSON, appointed on February 5, 2018, for the term ending September 30, 2022, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9031 BRADLEY F. SMITH, appointed on March 23, 2018, for the term ending September 30, 2022, as Member of the Bellingham Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9045 RON SIMS, reappointed on August 28, 2018, for the term ending September 30, 2023, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9048 ELIZABETH (BETH) J. THEW, reappointed on September 19, 2018, for the term ending

September 30, 2023, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9049 D. MICHAEL KELLY, reappointed on September 25, 2018, for the term ending September 30, 2023, as Member of the Cascadia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9051 DEBBIE J. AHL, reappointed on September 27, 2018, for the term ending September 30, 2023, as Member of the Bellingham Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9052 ASTRID E. AVELEDO, appointed on October 15, 2018, for the term ending September 30, 2023, as Member of the Grays Harbor College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9053 ELAINE CHU, appointed on October 15, 2018, for the term ending September 30, 2023, as Member of the Green River College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9054 JEREMY JAECH, reappointed on October 15, 2018, for the term ending September 30, 2024, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9055 THOMAS W. LUX, reappointed on October 15, 2018, for the term ending September 30, 2023, as Member of the Shoreline Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9056 ROBERT H. MALTE, appointed on October 18, 2018, for the term ending September 30, 2023, as Member of the Lake Washington Institute of Technology Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9058 TERESA N. TAYLOR, appointed on October 22, 2018, for the term ending September 30, 2023, as Member of the Whatcom Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9060 PAUL B. SPEER, appointed on October 31, 2018, for the term ending September 30, 2023, as Member of the Clark College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9063 PATRICIA E. SHUMAN, appointed on November 19, 2018, for the term ending September 30, 2023, as Member of the Tacoma Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9067 ELI TAYLOR, appointed on December 20, 2018, for the term ending September 30, 2023, as Member of the Clover Park Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9077 MARK P. MARTINEZ, reappointed on March 6, 2019, for the term ending September 30, 2022, as Member of the Clover Park Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9095 FLORENCE S. CHANG, appointed on August 7, 2019, for the term ending September 30, 2022, as Member of the Bates Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9097 WALLY WEBSTER II, appointed on October 1, 2019, for the term ending September 30, 2024, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9098 STEVEN A. ZIMMERMAN, appointed on August 2, 2019, for the term ending September 30, 2023, as Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

February 1, 2022

SGA 9102 CANDELARIO GONZALEZ, appointed on August 20, 2019, for the term ending September 30, 2023, as Member of the Olympic College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9107 MEGHAN B. QUINT, appointed on September 19, 2019, for the term ending September 30, 2024, as Member of the Cascadia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9109 ADRIANNE WAGNER, appointed on September 20, 2019, for the term ending September 30, 2023, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9110 JUANITA D. RICHARDS, appointed on October 1, 2019, for the term ending September 30, 2024, as Member of the Big Bend Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9111 WENDY K. BOHLKE, reappointed on October 3, 2019, for the term ending September 30, 2024, as Member of the Whatcom Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9112 HARRIETTE C. BRYANT, appointed on October 3, 2019, for the term ending September 30, 2024, as Member of the Olympic College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9113 KRISTIN M. RAY, appointed on October 3, 2019, for the term ending September 30, 2024, as Member of the Pierce College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9114 MEGAN S. O'BRYAN, reappointed on October 7, 2019, for the term ending September 30, 2024, as Member of the Skagit Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9115 EBEN POBEE, appointed on October 8, 2019, for the term ending September 30, 2024, as Member of the Shoreline Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9116 RICHARD G. FUKUTAKI, appointed on October 3, 2019, for the term ending September 30, 2024, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9117 ANNE E. HAMILTON, reappointed on October 10, 2019, for the term ending September 30, 2024, as Member of the Lake Washington Institute of Technology Board

of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9118 MICHAEL D. WILSON, reappointed on October 10, 2019, for the term ending September 30, 2024, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9119 SARA I. CATE, reappointed on October 17, 2019, for the term ending September 30, 2024, as Member of the Yakima Valley Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9120 CONSTANCE W. RICE, appointed on October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9121 ROGELIO RIOJAS, reappointed on October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9122 MICHELLE LIBERTY, appointed on October 25, 2019, for the term ending September 30, 2024, as Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9129 DONA PONEPINTO, appointed on December 4, 2019, for the term ending September 30, 2024, as Member of the Tacoma Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9133 CAROL MITCHELL, appointed on December 12, 2019, for the term ending September 30, 2024, as Member of the Clover Park Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9151 HOLLY M. SILER, appointed on January 23, 2020, for the term ending September 30, 2024, as Member of the Columbia Basin College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9158 GERALD L. MARTIN, appointed on February 18, 2020, for the term ending September 30, 2024, as Member of the Everett Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9160 WILMA CARTAGENA, appointed on February 28, 2020, for the term ending September 30, 2024, as Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9163 CHASE D. FRANKLIN, reappointed on March 10, 2020, for the term ending September 30, 2025, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9164 LURA J. POWELL, reappointed on March 10, 2020, for the term ending September 30, 2025, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9172 FRANKIE L. COLEMAN, appointed on July 6, 2020, for the term ending September 30, 2022, as Member of the Olympic College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9186 HARRY L. CARTHUM, reappointed on July 6, 2020, for the term ending September 30, 2024, as Member of the Grays Harbor College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9202 ANNA FRANZ, appointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Big Bend Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9203 LEIGH, JR., RICHARD E., appointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9204 ARLENE M. PIERINI, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Green River College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9205 JENNIFER RAMIREZ ROBSON, appointed on September 17, 2020, for the term ending September 30, 2024, as Member of the Green River College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9207 CHARLES C STANLEY, appointed on September 17, 2020, for the term ending September 30, 2024, as Member of the Centralia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9211 RICHARD P. KAISER, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Bellingham Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9212 MICHAEL KARNOFSKI, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Lower Columbia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9214 JAMES R. SAYCE, appointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Grays Harbor College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9215 THERESE N. PASQUIER, appointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Pierce College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9216 JOHN W. PEDLOW, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Whatcom Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9218 TOM ECKMANN, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Olympic College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9219 KIMBERLY L. HARPER, appointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Columbia Basin College Board of Trustees.

Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9220 COLLEEN F. PONTO, reappointed on October 1, 2020, for the term ending September 30, 2025, as Member of the Cascadia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9221 PAULA ARNO MARTINEZ, appointed on October 6, 2020, for the term ending September 30, 2025, as Member of the Wenatchee Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9222 CRISTHIAN A. CANSECO JUAREZ, appointed on January 4, 2021, for the term ending September 30, 2025, as Member of the Clark College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9223 DOUG MAH, reappointed on October 6, 2020, for the term ending September 30, 2025, as Member of the South Puget Sound Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9224 FRIEDA K. TAKAMURA, reappointed on October 6, 2020, for the term ending September 30, 2025, as Member of the Renton Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9225 TERESITA BATAYOLA, reappointed on October 8, 2020, for the term ending September 30, 2025, as Member of the Seattle College District Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9226 CASTULO (CUS) ARTEAGA, appointed on October 13, 2020, for the term ending September 30, 2023, as Member of the Yakima Valley Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9227 JOSEPH S. BOWMAN IV, appointed on October 13, 2020, for the term ending September 30, 2025, as Member of the Highline College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9229 LISA T. KEOHOKALO LE SCHAUER, reappointed on October 20, 2020, for the term ending September 30, 2026, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9233 LATASHA M. WORTHAM, appointed on October 22, 2020, for the term ending September 30, 2025, as Member of the Tacoma Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9234 TIA H. BENSON TOLLE, reappointed on October 27, 2020, for the term ending September 30, 2025, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9235 KIANTHA L. DUNCAN, appointed on October 27, 2020, for the term ending September 30, 2025, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9239 TIMOTHY BURT, reappointed on November 10, 2020, for the term ending September 30, 2025, as Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9240 DAVID O. EARLING, appointed on November 10, 2020, for the term ending September 30, 2022, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9243 TORAYA MILLER, reappointed on November 13, 2020, for the term ending September 30, 2025, as Member of the Everett Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9252 LAYNE BLADOW, reappointed on January 8, 2021, for the term ending September 30, 2024, as Member of the Bates Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9258 MARIKO K. DOERNER, appointed on January 15, 2021, for the term ending September 30, 2025, as Member of the Skagit Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9267 JEFF DAVIS, appointed on January 26, 2021, for the term ending September 30, 2024, as Member of the South Puget Sound Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9268 BERTHA ORTEGA, appointed on January 26, 2021, for the term ending September 30, 2025, as Member of the Yakima Valley Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9277 ERIN L. BLACK, reappointed on February 18, 2021, for the term ending September 30, 2026, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

January 31, 2022

SGA 9289 CLAIRE HESSELHOLT, reappointed on March 11, 2021, for the term ending February 28, 2027, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9297 CHERYL STRANGE, appointed on May 16, 2021, for the term ending at the governor's pleasure, as Director of the Department of Corrections - Agency Head. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9300 AURIANA S. MITCHELL, appointed on July 1, 2021, for the term ending June 30, 2022, as Member of the Eastern Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9301 DJELLI BERISHA, appointed on July 1, 2021, for the term ending June 30, 2022, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9302 KIM WELLS, appointed on June 11, 2021, for the term ending September 30, 2025, as Member of the Shoreline Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9303 REBECCA A. CHAN, appointed on June 15, 2021, for the term ending September 30, 2022, as Member of the Shoreline Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9304 BRIAN SURRATT, appointed on June 17, 2021, for the term ending September 30, 2023, as Member of the Seattle College District Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9308 NATHANAEL JO, appointed on July 1, 2021, for the term ending June 30, 2022, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9309 SHAIN WRIGHT, appointed on July 1, 2021, for the term ending June 30, 2022, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9323 J'VAUGHN P. HALL, appointed on July 9, 2021, for the term ending June 30, 2022, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9326 CARL J. ZAPORA, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9327 LOIS BERNSTEIN, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Tacoma Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9334 JOHN M. MEYER, reappointed on October 1, 2021, for the term ending September 30, 2027, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9335 ROBERT L. NELLAMS, reappointed on October 1, 2021, for the term ending September 30, 2027, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9336 MAUREEN P. WEST, reappointed on October 1, 2021, for the term ending September 30, 2027, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9337 LAURA S. WILDFONG, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Lake Washington Institute of Technology Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9339 CLEMENCIA CASTRO-WOOLERY, appointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Pierce College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9341 JOHN SUK, appointed on October 1, 2021, for the term ending September 30, 2025, as Member of the Lake Washington Institute of Technology Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9342 ALEJANDRO ALCANTAR, reappointed on September 7, 2021, for the term ending June 30, 2022, as Member of the Washington Student Achievement Council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Seftik.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9343 JEANNE K. BENNETT, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Clark College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9344 JACELYN M. BOSCHOK, reappointed on October 1, 2021, for the term ending September 30, 2026, as

Member of the Green River College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9345 ROZANNE E. GARMAN, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the South Puget Sound Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9346 RADHIKA S. KRISHNA, appointed on September 7, 2021, for the term ending June 30, 2022, as Member of The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9347 ROSA PERALTA, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Seattle College District Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9348 MARK C. SCHEIBMEIR, reappointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Centralia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9351 PRETRINA L. MULLINS, appointed on October 1, 2021, for the term ending September 30, 2025, as Member of the Centralia College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9353 KELLY A. SHEPHERD, appointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Everett Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9354 CHERYL ANGELETTI-HARRIS, reappointed on September 27, 2021, for the term ending September 25, 2025, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9355 AMY E. PARRIS, appointed on September 16, 2021, for the term ending September 30, 2023, as Member of the Big Bend Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9359 OFELIA P. BREDET, appointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Columbia Basin College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9360 OZELL M. JACKSON III, appointed on October 1, 2021, for the term ending September 30, 2026, as Member of the Skagit Valley College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9362 CHERYL A. MILLER, reappointed on October 4, 2021, for the term ending September 30, 2026, as Member of the Olympic College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9364 JOE W. FLOYD, appointed on October 12, 2021, for the term ending September 30, 2025, as Member of the Peninsula College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9366 SASCHA WEST, appointed on October 15, 2021, for the term ending June 30, 2022, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9368 CLAIRE S. RONEY, appointed on October 21, 2021, for the term ending September 30, 2023, as Member of the Peninsula College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022

SGA 9370 SHAUNIE J. WHEELER - JAMES, appointed on October 21, 2021, for the term ending September 30, 2026, as Member of the Renton Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9373 TRAVIS A. EXSTROM, appointed on November 1, 2021, for the term ending September 30, 2026, as Member of the Highline College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9374 STEVEN H. YOSHIHARA, reappointed on November 1, 2021, for the term ending September 30, 2026, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9375 PATRICK BALDOZ, reappointed on November 9, 2021, for the term ending September 30, 2026, as Member of the Yakima Valley Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9377 JILMA L. MENESES, appointed on January 3, 2022, for the term ending at the governor's pleasure, as Director of the Department of Social and Health Services - Agency Head. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9379 BRETT BLANKENSHIP, reappointed on November 19, 2021, for the term ending September 30, 2027, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9380 CHRISTINA BLOCKER, reappointed on November 19, 2021, for the term ending September 30, 2026, as Member of the Bates Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9382 DENISE E. GIDEON, appointed on November 19, 2021, for the term ending September 30, 2024, as Member of the Clark College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9383 TARA LEER, appointed on November 19, 2021, for the term ending September 30, 2026, as Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9384 HEATHER B. REDMAN, reappointed on November 19, 2021, for the term ending September 30, 2027, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 1, 2022  
SGA 9386 LEONARD FORSMAN, appointed on November 22, 2021, for the term ending September 30, 2027, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 1, 2022

TWENTY FOURTH DAY, FEBRUARY 2, 2022

SGA 9390 DEBRA J. ENTENMAN, reappointed on December 17, 2021, for the term ending September 30, 2024, as Member of the Renton Technical College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MESSAGE FROM THE HOUSE

January 28, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5970 by Senators Wagoner, Fortunato and Wilson, J.

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355, 46.17.323, 82.08.020, 82.12.020, 82.44.065, 81.104.140, and 81.104.160; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; providing an effective date; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Transportation.

## MOTION

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

## MOTION

At 1:38 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 2:30 p.m. by President Heck.

## MOTION

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

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Dhingra moved that Karen Johnson, Senate Gubernatorial Appointment No. 9288, be confirmed as a Director of the Washington State Office of Equity.

Senator Dhingra spoke in favor of the motion.

## APPOINTMENT OF KAREN JOHNSON

## MOTIONS

On motion of Senator Wagoner, Senators Brown and Schoesler were excused.

## STATEMENT FOR THE JOURNAL

I tested positive for COVID-19 and according to Senate protocols I was not permitted to enter the Senate Chamber to vote. While the Senate is allowing for online participation by Senators, I was unable to avail myself of that option as the Capital is 245 miles from my home in Ritzville and the accommodations I have in the Olympia area do not come with internet access.

By Thursday, February 3, 2022, I was able to find adequate internet access to allow me to vote online and to continue to quarantine, as required by the Senate.

Thank you for your consideration.

SENATOR MARK SCHOESLER, 9th Legislative District

On motion of Senator Randall, Senator Van De Wege was excused.

The President declared the question before the Senate to be the confirmation of Karen Johnson, Senate Gubernatorial Appointment No. 9288, as a Director of the Washington State Office of Equity.

The acting Secretary called the roll on the confirmation of Karen Johnson, Senate Gubernatorial Appointment No. 9288, as a Director of the Washington State Office of Equity and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Brown, Schoesler and Van De Wege

Karen Johnson, Senate Gubernatorial Appointment No. 9288, having received the constitutional majority was declared confirmed as a Director of the Washington State Office of Equity.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9254, be confirmed as a member of the State Board of Education.

Senator Wellman spoke in favor of the motion.

APPOINTMENT OF HARIUM J. MARTIN-MORRIS

The President declared the question before the Senate to be the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9254, as a member of the State Board of Education.

The acting Secretary called the roll on the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9254, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9254, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

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

SECOND READING

SENATE BILL NO. 5810, by Senators Mullet and Dozier

Concerning insurance regulation.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 5810 was substituted for Senate Bill No. 5810 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5810, by Senate Business, Financial Services & Trade (originally sponsored by Senators Mullet and Dozier)

Revised for 1st Substitute: Exempting certain prepaid services from insurance regulation.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5810.

ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5749, by Senators Trudeau, Salomon, Hasegawa, Nobles and Wilson, C.

Concerning rent payments made by residential tenants.

MOTIONS

On motion of Senator Trudeau, Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5749, by Senate Housing & Local Government (originally sponsored by Senators Trudeau, Salomon, Hasegawa, Nobles, and C. Wilson)

Revised for 1st Substitute: Concerning rent payments made by residential and manufactured housing community tenants.

On motion of Senator Trudeau, the rules were suspended, Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau, Fortunato, Kuderer, Rivers, Wagoner, Das, Sefzik, Hasegawa, Gildon and Padden spoke in favor of passage of the bill.

PERSONAL PRIVILEGE

Senator Trudeau: "A Point of Personal Privilege, Mr. President?"

Lt. Governor Heck: "Are you going to apologize for the President, for him being the last person, evidently, on the face of the planet [to know of Senator Trudeau's pregnancy]?"

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

Senator Trudeau: “Thank you, and I would offer Mr. President that you probably can only see this part of me. If you saw the rest of me, it would probably be pretty obvious at this point so. Mr. President, I want to thank you and, if you’ll indulge me, I want to start from a place of deep gratitude for you, and for seriously all of the amazing staff and folks that work in this institution. The lovely security personnel who actually knows where Bangladesh is which is a great way to start the day. And for the communities we represent, and to each member of this body. Although I know you guys took it easy on me today, and I appreciate that. But I want to thank you not just for helping move this bill, and honor my mom, but because it’s an honor to serve and despite it all, I really think that we always have so much to reflect on and be grateful for. I come to you today as a person who was born into violence and chaos. And now as a person gifted with the opportunity, Mr. President, to stand here today running a bill inspired by my mother. Someone who was not gifted the same opportunities, but who despite it all, always wanted me to succeed. And as someone who’s a mother myself, I know that that is a natural instinct that I will appreciate always. I get to pass legislation like Senate Bill 5749 that I know will lower barriers for good people that wake up everyday and want to do the right thing, but sometimes are just not able to because of their circumstances. And I know that members of this body won’t always agree, and I’m sure that a lot of the time we won’t. But Mr. President, I can promise that I will not forget the humanity of every one of my colleagues and every person who serves in this institution. And that may sound, ‘woo-woo,’ Mr. President, a technical term, but it gets to the basics. And as I mentioned during, or as I heard, during recent comments honoring Senator Ericksen, I just, I bring forward with me a commitment to see each other as people doing the best we can to get through every single day. And I’m grateful to you as the first of many things, although unplanned, the first American-Muslim and Bengali-American to serve in the legislature, the first woman of color to represent my district, and I believe also the first pregnant legislator on the floor. And I bring my experiences to this body Mr. President because in many ways I feel that I embody the American dream. But at the same time, I have a very intimate view of where the American promise has not always been kept. And if you will allow me to quote one of my favorite poets Mr. President? As the great Maya Angelou once said, ‘History, despite its wrenching pain can not be unlived. But if faced with courage, need not be lived again.’ And in the spirit of this institution’s commitment to collaboration and integrity, if I may Mr. President just to relay a little bit about the gifts that I am providing to each member? Thank you. As a mom of a toddler, I gift each of you with things that are particularly relevant to me: rocks and chocolate. I offer first Almond Rocas, which originate from my district.’

President Heck: “We don’t see any up here Senator Trudeau.”

Senator Trudeau: “Coming your way Mr. President, I can assure you. Thank you. And sandstone rocks from a local gallery in my district that I individually hand painted with unique historical landmarks or art installations from around my district. Some of them are also signed by my toddler, which I hope you will appreciate. And to keep us connected I want to offer two things about these rocks. There is a hashtag Tacoma rocks [#TacomaRocks] that is on the back of every one of these individually painted items. And the idea of that is that you can go around with young children, and put rocks in different areas, and when people find them, they can actually use the hashtag on social

media, to connect everyone. So, you’ll take a little piece of Tacoma back, and I hope you will find a little one that will enjoy it. I also, you know, I want to offer to you that if you come to me and ask me about what the painting on your rock represents, I promise to you that I will invite you to my district and take you to go see this landmark, or particular art installation, so that we can actually communicate out of this, off this floor and as real human beings, living day-to-day. So, I thank you Mr. President. I appreciate you, and the opportunity to represent this district, my family, my community, and all the people that I care about in the state of Washington. Thank you so much.”

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5749.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SUBSTITUTE SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5518, by Senators Muzzall, Keiser, Cleveland, Conway, Gildon, Hunt and Randall

Concerning the occupational therapy licensure compact.

The measure was read the second time.

#### MOTION

On motion of Senator Muzzall, the rules were suspended, Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5518.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5615, by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Nobles, Pedersen, Randall, Rolfes and Wellman

Designating pickleball as the official state sport.

The measure was read the second time.

#### MOTION

On motion of Senator Lovick, the rules were suspended, Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovick, Rivers, Rolfes, Dozier, Lovelett, Warnick, Fortunato, Hasegawa, Wagoner and Pedersen spoke in favor of passage of the bill.

Senator Mullet spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5615.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Mullet

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Lovick: "Mr. President I just have to tell you that I wrote down one word on my paper as I was taking notes, and that word was 'Wow'. Wow, what an incredible honor it is to serve with all of you. And I say that Mr. President as I was speaking to a reporter this morning who wanted to know how I felt, what it felt like being in this tremendous body. And I want to tell you, it is an absolute 'wow' moment. Thank all of you for the wonderful work that you do every day. All of the kind comments that you've made. This is great. As far as my gift for today, if you know me you know that I love to cook. So, I made some of my famous favorite John's seasoning salt. And you can try it on anything that calls for seasoning salt. I think you will absolutely enjoy it. Thank

you, Mr. President. Thank my colleagues. I wanted to say this earlier: I want to wish all of you peace, patience, and kindness. Thank you very, very much. You've been very kind."

#### MOTION

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

#### THIRD READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

The bill was read on Third Reading.

Senators Hasegawa and Dozier spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8004.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5560, by Senators Pedersen, Wilson, J., Billig, Hunt, Kuderer, Mullet and Randall

Concerning procedures for approval and submission of the redistricting plan.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

SECOND READING

The President declared the question before the Senate to be the final passage of Senate Bill No. 5560.

SENATE BILL NO. 5756, by Senators Hunt, Muzzall and Conway

ROLL CALL

Establishing the semiquincentennial committee.

The acting Secretary called the roll on the final passage of Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

MOTIONS

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

On motion of Senator Hunt, Substitute Senate Bill No. 5756 was substituted for Senate Bill No. 5756 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 5756 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Brown and Schoesler

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

SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5756.

SECOND READING

ROLL CALL

SENATE BILL NO. 5753, by Senators Robinson and Lovick

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5756 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Increasing board and commission capacities.

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

MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5753 was substituted for Senate Bill No. 5753 and the substitute bill was placed on the second reading and read the second time.

Excused: Senators Brown and Schoesler

On motion of Senator Robinson, the rules were suspended, Substitute Senate Bill No. 5753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 5756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Robinson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5753.

SECOND READING

ROLL CALL

SENATE BILL NO. 5694, by Senators Stanford, Robinson and Wilson, C.

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman, Wilson, C. and Wilson, L.

The measure was read the second time.

Voting nay: Senators Dozier, Fortunato, Gildon, Honeyford, McCune, Muzzall, Padden, Short, Wagoner, Warnick and Wilson, J.

MOTION

Excused: Senators Brown and Schoesler

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 5694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 5753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Stanford and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5694.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5694 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5565, by Senators Sheldon, Rolfes, Lovick and Mullet

Allowing fire districts and regional fire authorities to carry out certain treasurer functions.

The measure was read the second time.

## MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Kuderer spoke in favor of passage of the bill.

## MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5565.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Schoesler and Van De Wege

SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5763, by Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

Eliminating subprevailing wage certificates for individuals with disabilities.

The measure was read the second time.

## MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senator Fortunato spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5763.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Honeyford, Padden, Wagoner and Warnick

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5498, by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Nobles, Wagoner and Wellman

Awarding diplomas posthumously.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5498.

## ROLL CALL

TWENTY FOURTH DAY, FEBRUARY 2, 2022

2022 REGULAR SESSION

SECOND READING

The acting Secretary called the roll on the final passage of Senate Bill No. 5498 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5181, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Honeyford and King)

Providing school districts serving low-income communities with flexibility in financing their facilities.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5181.

ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Hasegawa

Excused: Senators Brown and Schoesler

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SENATE BILL NO. 5676, by Senators Conway, Billig, Gildon, Holy, Hunt, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Pedersen, Randall, Rivers, Robinson, Saldaña, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Wilson, L. and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5676.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Schoesler

SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman and Wilson, C.)

Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.

The bill was read on Third Reading.

Senators Dhingra, Pedersen and Trudeau spoke in favor of passage of the bill.

Senators Padden, Holy, Warnick, Short, Honeyford, Wilson, L., Fortunato, Rivers, Muzzall and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5036.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

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

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

Excused: Senators Brown and Schoesler

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Well thank you very much Mr. President. I want to thank you and all the rostrum staff for excellent work and in particular I want to let our Secretary of the Senate know that though I am sure it was not as easy as it would have been if she had been here herself, but her crew did a fantastic job and probably nobody knew the difference."

#### MOTION

Senator Pedersen moved that the Senate adjourn until 12:30 p.m. Thursday, February 3, 2022.

Senator Short objected to the motion.

#### MOTION

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate adjourn.

#### ROLL CALL

The acting Secretary called the roll on the motion to adjourn, and the motion carried by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

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

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

Excused: Senators Brown and Schoesler

#### MOTION

At 5:15 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, February 3, 2022.

DENNY HECK, President of the Senate

COLLEEN RUST, Deputy Secretary of the Senate

**TWENTY FIFTH DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
Thursday, February 3, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

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

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

**REPORTS OF STANDING COMMITTEES**

February 2, 2022

SB 5542 Prime Sponsor, Senator Cleveland: Concerning the practice of optometry. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Conway; Holy; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member and Keiser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair and Padden.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5574 Prime Sponsor, Senator Fortunato: Concerning new counties. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Sefzik; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland; Lovelett and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Das, Vice Chair and Salomon.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5599 Prime Sponsor, Senator Saldaña: Concerning journey level electrician certifications of competency. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5599 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Braun.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Rivers.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5642 Prime Sponsor, Senator Mullet: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5642 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5662 Prime Sponsor, Senator Kuderer: Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5662 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Sefzik; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon, Assistant Ranking Member.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5697 Prime Sponsor, Senator Das: Renewing Washington's recycling system and reducing waste. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Sheldon.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5703 Prime Sponsor, Senator Das: Concerning the use and disclosure of toxic chemicals in cosmetic products. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Sheldon.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5715 Prime Sponsor, Senator Wellman: Modifying the definition of broadband or broadband service. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5722 Prime Sponsor, Senator Nguyen: Reducing greenhouse gas emissions in buildings. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5722 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Sheldon.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5744 Prime Sponsor, Senator Nguyen: Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle,

Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Fortunato.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5783 Prime Sponsor, Senator Conway: Reestablishing the underground economy task force. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5794 Prime Sponsor, Senator Dhingra: Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5801 Prime Sponsor, Senator Keiser: Concerning attorney and witness fees in industrial insurance court appeals. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Rivers.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5803 Prime Sponsor, Senator Rolfes: Establishing a presumption of liability for wildfires caused by an electric utility's equipment. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

TWENTY FIFTH DAY, FEBRUARY 3, 2022

2022 REGULAR SESSION

February 2, 2022

SB 5823 Prime Sponsor, Senator Das: Addressing local infrastructure project areas. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

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

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5832 Prime Sponsor, Senator Das: Expanding the multifamily tax exemption program to include converting existing multifamily units. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau; Warnick and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5834 Prime Sponsor, Senator Carlyle: Implementing enterprise-wide technology policies in state government to ensure consistency, security, and responsible use of data. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5835 Prime Sponsor, Senator Saldaña: Concerning workers' compensation. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5842 Prime Sponsor, Senator Carlyle: Concerning state laws that address climate change. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5842 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Fortunato.

Referred to Committee on Ways & Means.

February 2, 2022

SB 5848 Prime Sponsor, Senator Cleveland: Concerning licensure for music therapists. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5862 Prime Sponsor, Senator Lovelett: Concerning technical changes to the commercial property assessed clean energy and resiliency program. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5867 Prime Sponsor, Senator Fortunato: Concerning compassionate and effective strategies to address the homelessness crisis. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Cleveland; Salomon; Trudeau and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member; Das, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Sefzik and Wilson, J.

Referred to Committee on Ways & Means.

February 2, 2022

**SB 5886** Prime Sponsor, Senator Holy: Creating an advisory council on rare diseases. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Ways & Means.

February 2, 2022

**SB 5890** Prime Sponsor, Senator Keiser: Clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Rivers.

Referred to Committee on Rules for second reading.

February 2, 2022

**SB 5891** Prime Sponsor, Senator Conway: Concerning warehouse distribution centers. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 2, 2022

**SB 5895** Prime Sponsor, Senator Frockt: Concerning timing restrictions for remedial action grants to local government. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Fortunato.

Referred to Committee on Rules for second reading.

February 2, 2022

**SB 5910** Prime Sponsor, Senator Carlyle: Accelerating the availability and use of renewable hydrogen in Washington state. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 2, 2022

**SB 5911** Prime Sponsor, Senator Cleveland: Providing hazard pay retention bonuses to certain health care employees. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Rivers; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Ways & Means.

February 3, 2022

**SB 5923** Prime Sponsor, Senator Robinson: Concerning temporary emergency shelters. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 2, 2022

**SB 5940** Prime Sponsor, Senator King: Creating a liquor license endorsement. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

Referred to Committee on Rules for second reading.

February 3, 2022

**SB 5964** Prime Sponsor, Senator Mullet: Concerning consolidated local permit review processes. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair;

TWENTY FIFTH DAY, FEBRUARY 3, 2022

2022 REGULAR SESSION

Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1210,  
 SUBSTITUTE HOUSE BILL NO. 1616,  
 SUBSTITUTE HOUSE BILL NO. 1617,  
 SUBSTITUTE HOUSE BILL NO. 1642,  
 HOUSE BILL NO. 1647,  
 SUBSTITUTE HOUSE BILL NO. 1649,  
 SUBSTITUTE HOUSE BILL NO. 1747,  
 HOUSE BILL NO. 1765,  
 HOUSE BILL NO. 1780,  
 SUBSTITUTE HOUSE BILL NO. 1789,  
 HOUSE BILL NO. 1804,  
 HOUSE BILL NO. 1808,  
 HOUSE BILL NO. 1834,  
 HOUSE BILL NO. 1894,  
 SUBSTITUTE HOUSE BILL NO. 1957,  
 SUBSTITUTE HOUSE BILL NO. 2019,

Referred to Committee on Ways & Means.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 3, 2022

SGA 9320 NICOLE R. BASCOMB, appointed on July 9, 2021, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 2, 2022

SGA 9392 LOWEL J. KRUEGER, reappointed on December 17, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 3, 2022

SGA 9393 ALISHIA F. TOPPER, reappointed on December 17, 2021, for the term ending June 30, 2025, as Member of the Housing Finance Commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGES FROM THE HOUSE

February 2, 2022

MR. PRESIDENT:  
 The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,  
 and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 2, 2022

MR. PRESIDENT:

MOTION

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

INTRODUCTION AND FIRST READING

SB 5971 by Senator Lovelett

AN ACT Relating to the comprehensive plan and implementation of the goals and requirements of the growth management act; amending RCW 36.70A.190 and 36.70A.280; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Housing & Local Government.

SB 5972 by Senator Warnick

AN ACT Relating to extending the expiration date of a statute dealing with wildlife conflict resolution; and amending 2017 c 246 s 4 and 2018 c 214 ss 3 and 4 (uncodified).

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

ESHB 1518 by House Committee on State Government & Tribal Relations (originally sponsored by Stonier and Ormsby)

AN ACT Relating to environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies; amending RCW 43.19A.010 and 43.19A.022; and creating a new section.

Referred to Committee on State Government & Elections.

ESHB 1716 by House Committee on State Government & Tribal Relations (originally sponsored by Valdez, Dolan and Pollet)

AN ACT Relating to locations at which ballots may be cast; and amending RCW 29A.40.160, 29A.08.140, and 29A.84.510.

Referred to Committee on State Government & Elections.

MOTIONS

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

At 12:33 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving committee reports later in the day.

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The Senate was called to order at 4:30 p.m. by President Heck.

#### MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Ways & Means and the Committee on Transportation were granted special leave to meet during the day's floor session.

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

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 3, 2022

SB 5348 Prime Sponsor, Senator Stanford: Concerning assisted reproduction. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; McCune, Assistant Ranking Member; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5495 Prime Sponsor, Senator Wilson, J.: Concerning catalytic converters. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Trudeau, Vice Chair and Kuderer.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5643 Prime Sponsor, Senator Schoesler: Supporting youth development. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Stanford.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5781 Prime Sponsor, Senator Padden: Concerning organized retail theft. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Trudeau, Vice Chair.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5826 Prime Sponsor, Senator Padden: Concerning warm water game fish management. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senator Stanford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5839 Prime Sponsor, Senator Padden: Creating the crime of interfering with a firefighter or emergency medical services provider. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5856 Prime Sponsor, Senator Wilson, J.: Concerning transfers of firearms to museums and historical societies. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5856 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5860 Prime Sponsor, Senator Warnick: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Agriculture, Water, Natural Resources & Parks

TWENTY FIFTH DAY, FEBRUARY 3, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5860 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stanford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5877 Prime Sponsor, Senator Conway: Addressing antidiscrimination policies in institutions of higher education. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5882 Prime Sponsor, Senator Muzzall: Clarifying the existence of riparian stock watering rights. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Honeyford and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Salomon, Vice Chair and Stanford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5883 Prime Sponsor, Senator Trudeau: Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5885 Prime Sponsor, Senator Salomon: Concerning marine shoreline habitat. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick, Ranking Member.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5919 Prime Sponsor, Senator Van De Wege: Concerning the standard for law enforcement authority to detain or pursue persons. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Trudeau, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5920 Prime Sponsor, Senator Warnick: Concerning parenting plans. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5920 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5927 Prime Sponsor, Senator Honeyford: Concerning the safety and security of retail cannabis outlets. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden,

Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5931 Prime Sponsor, Senator Wagoner: Concerning appointment of judges pro tempore in the court of appeals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5936 Prime Sponsor, Senator Sefzik: Providing short-term disaster recovery financial assistance to agricultural producers. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Stanford.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5942 Prime Sponsor, Senator Frockt: Enacting the uniform college athlete name, image, or likeness act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5942 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Kuderer; Pedersen and Salomon.

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

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5947 Prime Sponsor, Senator Stanford: Concerning property exempt from execution. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5951 Prime Sponsor, Senator Hasegawa: Concerning agricultural hemp products to ensure the safe implementation of

Washington state's industrial hemp program. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5951 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2022

SB 5961 Prime Sponsor, Senator Sefzik: Incentivizing the use of biochar in government contracts. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Stanford.

Referred to Committee on Ways & Means.

February 3, 2022

SB 5972 Prime Sponsor, Senator Warnick: Concerning extending the expiration date of a statute dealing with wildlife conflict resolution. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Stanford.

Referred to Committee on Rules for second reading.

February 3, 2022

SGA 9099 GUADALUPE GAMBOA, appointed on January 15, 2020, for the term ending June 17, 2024, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

SGA 9130 STANLEY RUMBAUGH, appointed on December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2022

TWENTY FIFTH DAY, FEBRUARY 3, 2022

SGA 9349 KALEEN COTTINGHAM, appointed on September 9, 2021, for the term ending July 15, 2023, as Member of the Salmon Recovery Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Stanford.

Referred to Committee on Rules for second reading.

February 3, 2022

SGA 9369 TIMOTHY G. WETTACK, reappointed on October 21, 2021, for the term ending August 2, 2024, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Supplemental Committee report were referred to the committees as designated.

At 4:34 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Friday, February 4, 2022.

DENNY HECK, President of the Senate

COLLEEN RUST, Deputy Secretary of the Senate

TWENTY SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, February 4, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Ways & Means was granted special leave to meet during the day's floor session.

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

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

REPORTS OF STANDING COMMITTEES

February 3, 2022  
SSB 5332 Prime Sponsor, Committee on Transportation: Concerning off-road and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5332 be substituted therefor, and the second substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 3, 2022  
SB 5636 Prime Sponsor, Senator Hunt: Concerning secure automatic voter registration. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5636 be substituted therefor, and the second substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Holy; Padden; Sheldon and Wilson, J.

Referred to Committee on Ways & Means.

February 3, 2022  
SB 5687 Prime Sponsor, Senator Wilson, C.: Addressing certain traffic safety improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Holy; Padden; Sheldon and Wilson, J.

Referred to Committee on Rules for second reading.

February 3, 2022  
SB 5741 Prime Sponsor, Senator Lovick: Creating Patches pal special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 3, 2022  
SB 5750 Prime Sponsor, Senator Wilson, C.: Designating the Washington state leadership board a trustee of the state of Washington. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 3, 2022  
SB 5863 Prime Sponsor, Senator Saldaña: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5863 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 3, 2022  
SB 5898 Prime Sponsor, Senator Liias: Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 27, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY J. RAGEN, appointed January 24, 2022, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9402.

January 28, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

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

DAVON THOMAS, appointed January 28, 2022, for the term ending June 30, 2023, as Member of the Washington Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9403.

## MOTIONS

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

At 12:32 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Monday, February 7, 2022.

DENNY HECK, President of the Senate

COLLEEN RUST, Deputy Secretary of the Senate

TWENTY NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Monday, February 7, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding remotely. No roll call was taken.

MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Transportation and the Committee on Ways & Means were granted special leave to meet during the day's floor session.

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

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

REPORTS OF STANDING COMMITTEES

February 4, 2022

SB 5487 Prime Sponsor, Senator Hawkins: Concerning small school district consolidation incentives for infrastructure enhancement and modernization. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 4, 2022

SB 5534 Prime Sponsor, Senator Brown: Concerning the use of verifiable credentials. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 4, 2022

SB 5539 Prime Sponsor, Senator Hunt: Concerning state funding for educational service districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 4, 2022

SB 5566 Prime Sponsor, Senator Kuderer: Expanding eligibility for the independent youth housing program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 4, 2022

SB 5933 Prime Sponsor, Senator Frockt: Establishing a school seismic safety grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5933 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

MOTION

MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Pedersen, and without objection, the rules were suspended and the following measures: Senate Bill No. 5530; Senate Bill No. 5654; and Senate Bill No. 5725 were removed from the day’s consent calendar, re-referred to the Committee on Rules and placed in the Committee’s “X file”; and Senate Governorial Appointment No. 9046 was removed from the day’s confirmation calendar, re-referred to the Committee on Rules and placed in the Committee’s “X file.”

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

MESSAGE FROM OTHER STATE OFFICERS

**Commerce, Department of** – *“Community-Law Enforcement Partnership Program”*, pursuant to 43.330.545 RCW; *“Collaborative Roadmap Phase III”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Behavioral Health Rental Subsidies Report”*, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Corrections, Department of** – *“Unexpected Fatality Review Committee Report - 2021-002”*, in accordance with Engrossed Substitute Senate Bill No. 5119;

**Enterprise Services, Department of** – *“Fleet Utilization Report Transmittal Memo”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Fleet Utilization Report: Historical and Projected Vehicle Use for Fiscal Years 2019-2023”*, in accordance with Engrossed Substitute Senate Bill No. 5092; *“Annual Leased Facilities Report; July 2020 - June 2021”*, pursuant to 43.82.010 RCW; *“Annual Leased Facilities Report; July 2020 - June 2021 Transmittal Letter”*, pursuant to 43.82.010 RCW;

**Military Department** – *“Enhanced 911 Advisory Committee 2021 Annual Legislative Update”*, pursuant to 38.52.532 RCW;

**Recreation and Conservation Office, Washington State** – *“Physical Activity Task Force Report”*, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Regulatory Innovation and Assistance, Office for** – *“Impacts of Significant Legislative Rulemaking (2020-21)”*, pursuant to 34.05.328 RCW.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

MESSAGE FROM THE HOUSE

February 2, 2022

MR. PRESIDENT:  
The House has passed:

ENGROSSED HOUSE BILL NO. 1752,  
ENGROSSED HOUSE BILL NO. 1982,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

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

INTRODUCTION AND FIRST READING

SJM 8009 by Senator Lovelett  
Calling for a national biodiversity strategy.

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

2SHB 1210 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, Johnson, J., Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley)

AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.518, 9.94A.650, 13.40.0357, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.010, 69.07.020, 69.07.200, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4013, 69.50.4014, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.540, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 70.345.010, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 9.96.060, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, and 69.51A.230; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1616 by House Committee on Health Care & Wellness (originally sponsored by Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor)

AN ACT Relating to the charity care act; amending RCW 70.170.020 and 70.170.060; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1617 by House Committee on State Government & Tribal Relations (originally sponsored by Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley)

AN ACT Relating to aligning state and school holidays; amending RCW 28A.150.050; creating a new section; and providing an effective date.

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

SHB 1642 by House Committee on College & Workforce Development (originally sponsored by Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young)

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010 and 28B.103.020.

Referred to Committee on Higher Education & Workforce Development.

HB 1647 by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

AN ACT Relating to the building for the arts program; and amending RCW 43.63A.750.

Referred to Committee on Ways & Means.

SHB 1649 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Shewmake and Taylor)

AN ACT Relating to the advisory committee on hunters and fishers with disabilities; and amending RCW 77.04.150.

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

SHB 1747 by House Committee on Children, Youth & Families (originally sponsored by Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame)

AN ACT Relating to supporting relative placements in child welfare proceedings; and amending RCW 13.34.145, 13.34.180, 13.34.210, and 74.13.062.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1765 by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption; and amending RCW 82.04.323.

Referred to Committee on Ways & Means.

HB 1780 by Representatives Slatter and Chambers

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Higher Education & Workforce Development.

SHB 1789 by House Committee on Finance (originally sponsored by Ramos, Goehner, Callan, Johnson, J., Senn, Ryu, Chambers, Springer, Eslick, Fey, Goodman, Robertson, Jacobsen, Peterson, Ramel, Rule, Santos, Shewmake, Wylie, Simmons, Slatter, Tharinger, Valdez, Pollet, Graham, Young and Kloba)

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; amending RCW 84.36.042 and 84.36.805; and creating new sections.

Referred to Committee on Ways & Means.

HB 1804 by Representatives Paul, Griffey, Leavitt, Bronoske, Gilday, Bergquist, Graham and Young

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Ways & Means.

HB 1808 by Representatives Stonier, MacEwen, Dolan, Leavitt, Johnson, J., Callan, Santos, Shewmake, Wylie, Bergquist, Pollet, Harris-Talley and Kloba

AN ACT Relating to pupil transportation funding; amending RCW 28A.160.170, 28A.160.180, 28A.160.192, and 28A.160.193; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.320 RCW; and providing effective dates.

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

HB 1834 by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

AN ACT Relating to student excused absences for mental health reasons; amending RCW 28A.300.046; and creating a new section.

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

HB 1894 by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu,

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

AN ACT Relating to expanding the period for juvenile diversion agreements; and amending RCW 13.40.080.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1957 by House Committee on Appropriations (originally sponsored by Rule, Walen, Chapman, Santos, Simmons, Ramel, Johnson, J., Riccelli, Frame, Ormsby and Harris-Talley)

AN ACT Relating to establishing a small business disaster recovery financial assistance program; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

SHB 2019 by House Committee on College & Workforce Development (originally sponsored by Boehnke, Graham, Johnson, J., Leavitt and Sutherland)  
AN ACT Relating to increasing educational and training opportunities for careers in retail; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

HCR 4407 by Representatives Sullivan and Kretz  
Amending the redistricting plan for state legislative and congressional districts.

Placed on the Second Reading Calendar.

MOTION

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

REMARKS BY THE PRESIDENT

President Heck: "Before I call on Senator Pedersen again, the President would regretfully announce that this morning I was tested positive for COVID. I am very, very grateful for being vaccinated and boosted, and being completely asymptomatic. But I make this announcement because I want to apologize to all involved for any inconvenience that this may cause going into this very important week of very lengthy floor deliberations. I wish it were otherwise."

Senator Pedersen: "Thank you very much, Mr. President. I think I speak for all of us in wishing you a speedy recovery to negative status and we're hoping for the best on Saturday morning testing."

MOTION

At 12:35 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving committee reports.

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EVENING SESSION

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The Senate was called to order at 9:53 p.m. by President Heck, presiding remotely.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2022

SB 5252 Prime Sponsor, Senator Wellman: Concerning school district consultation with local tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5252 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SSB 5406 Prime Sponsor, Committee on Transportation: Providing compensation for tow truck operators for keeping the public roadways clear. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5406 be substituted therefor, and the second substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C..

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5495 Prime Sponsor, Senator Wilson, J.: Concerning catalytic converters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5495 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa; Keiser and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Hunt.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5528 Prime Sponsor, Senator Pedersen: Concerning the imposition of additive revenue sources within a regional transit authority area. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; Cleveland; Das; Hawkins; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Holy and Wilson, J.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5532 Prime Sponsor, Senator Keiser: Establishing a prescription drug affordability board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5532 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5535 Prime Sponsor, Senator Wilson, C.: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5535 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5563 Prime Sponsor, Senator Wellman: Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5574 Prime Sponsor, Senator Fortunato: Concerning new counties. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5574 as recommended by Committee on Housing & Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Gildon; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa and Keiser.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Dhingra; Hunt and Pedersen.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5575 Prime Sponsor, Senator Lovick: Adding additional superior court judges in Snohomish county. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5575 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital;

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5581 Prime Sponsor, Senator Wellman: Addressing pupil transportation allocations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5592 Prime Sponsor, Senator Wilson, C.: Eliminating the cost of supervision assessments charged to offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5592 as recommended by Committee on Human Services, Reentry & Rehabilitation be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5595 Prime Sponsor, Senator Wellman: Concerning prototypical school formulas for physical, social, and emotional support in schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5595 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun and Gildon.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5597 Prime Sponsor, Senator Saldaña: Concerning the Washington voting rights act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5597 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5600 Prime Sponsor, Senator Keiser: Concerning the sustainability and expansion of state registered apprenticeship programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5600 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Braun; Gildon; Muzzall; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5616 Prime Sponsor, Senator Rolfes: Concerning accounts. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5616 be substituted therefor, and the second substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5619 Prime Sponsor, Senator Lovelett: Conserving and restoring kelp forests and eelgrass meadows in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5619 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5626 Prime Sponsor, Senator Rolfes: Adding a climate resilience element to water system plans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5626 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5643 Prime Sponsor, Senator Schoesler: Supporting youth development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5643 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5644 Prime Sponsor, Senator Wagoner: Concerning providing quality behavioral health co-response services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5644 as recommended by Committee on Behavioral Health Subcommittee to Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5649 Prime Sponsor, Senator Robinson: Modifying the Washington state paid family and medical leave act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5649 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Ranking Minority Member, Capital; Braun; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5662 Prime Sponsor, Senator Kuderer: Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5662 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Schoesler, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun; Dhingra; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

SB 5663 Prime Sponsor, Senator Dhingra: Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5663 be substituted therefor, and the second substitute bill do pass. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Hasegawa; Muzzall and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5664 Prime Sponsor, Senator Dhingra: Concerning forensic competency restoration programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5664 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5678 Prime Sponsor, Senator Short: Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5678 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5692 Prime Sponsor, Senator Gildon: Concerning programming at the department of corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5692 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hasegawa; Hunt; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Carlyle and Keiser.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5695 Prime Sponsor, Senator Dhingra: Concerning the body scanner pilot program at the department of corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5695 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5699 Prime Sponsor, Senator Conway: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5699 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5701 Prime Sponsor, Senator Nguyen: Determining monthly wages for workers' compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair,

Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5702 Prime Sponsor, Senator Trudeau: Requiring coverage for donor breast milk. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5702 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5703 Prime Sponsor, Senator Das: Concerning the use and disclosure of toxic chemicals in cosmetic products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5703 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Gildon; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Rivers and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5713 Prime Sponsor, Senator Das: Providing a property tax exemption for limited equity cooperative housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hunt;

Keiser; Mullet; Pedersen; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Hasegawa; Muzzall; Rivers and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5720 Prime Sponsor, Senator Mullet: Providing student financial literacy education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5720 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5722 Prime Sponsor, Senator Nguyen: Reducing greenhouse gas emissions in buildings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5722 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5723 Prime Sponsor, Senator Rivers: Concerning improving diversity in clinical trials. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5723 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet;

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon and Muzzall.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5724 Prime Sponsor, Senator Mullet: Concerning organ transport vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5726 Prime Sponsor, Senator Randall: Concerning interruptive military service credit for members of the state retirement systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5733 Prime Sponsor, Senator Padden: Concerning civil asset forfeiture. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5733 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5736 Prime Sponsor, Senator Frockt: Concerning partial hospitalizations and intensive outpatient treatment services for minors. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5736 be substituted therefor, and the second

substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5745 Prime Sponsor, Senator Liias: Increasing the personal needs allowance for persons receiving state financed care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5746 Prime Sponsor, Senator Warnick: Concerning drought preparedness, response, and funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5746 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5764 Prime Sponsor, Senator Randall: Concerning apprenticeships and higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5764 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5771 Prime Sponsor, Senator Holy: Including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5782 Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5785 Prime Sponsor, Senator Lovelett: Concerning transitional food assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5785 as recommended by Committee on Human Services, Reentry & Rehabilitation be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5789 Prime Sponsor, Senator Randall: Creating the Washington career and college pathways innovation challenge program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5789 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5790 Prime Sponsor, Senator Braun: Strengthening critical community support services for individuals with intellectual and developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5793 Prime Sponsor, Senator Wilson, C.: Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5793 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5794 Prime Sponsor, Senator Dhingra: Concerning continuity of coverage for prescription drugs prescribed for the

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

treatment of behavioral health conditions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5794 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5796 Prime Sponsor, Senator Saldaña: Restructuring cannabis revenue appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5796 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Mullet; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5803 Prime Sponsor, Senator Rolfes: Establishing a presumption of liability for wildfires caused by an electric utility's equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5803 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5807 Prime Sponsor, Senator Warnick: Improving behavioral health outcomes by enhancing engagement of state hospitals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5807 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5814 Prime Sponsor, Senator Cleveland: Providing funding for medical evaluations of suspected victims of child abuse. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5814 as recommended by Committee on Human Services, Reentry & Rehabilitation be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5815 Prime Sponsor, Senator Cleveland: Implementing an identicard program to provide individuals a Washington state-issued identicard. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5815 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, C. and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5819 Prime Sponsor, Senator Braun: Concerning the developmental disabilities administration's no-paid services caseload. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5819 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member,

Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5821 Prime Sponsor, Senator Rivers: Evaluating the state's cardiac and stroke emergency response system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5821 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5827 Prime Sponsor, Senator Dozier: Concerning offender management network information and electronic health records systems at the department of corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5827 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hunt; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa; Keiser and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5828 Prime Sponsor, Senator Nguyen: Implementing recommendations of the autonomous vehicle work group. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Holy; Lovick; Padden; Sheldon and Wilson, J.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5832 Prime Sponsor, Senator Das: Expanding the multifamily tax exemption program to include converting existing multifamily units. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Billig; Carlyle; Conway; Dhingra; Gildon; Hunt; Mullet; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Keiser; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital and Hasegawa.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5838 Prime Sponsor, Senator Nobles: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5838 as recommended by Committee on Human Services, Reentry & Rehabilitation be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5842 Prime Sponsor, Senator Carlyle: Concerning state laws that address climate change. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5842 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

TWENTY NINTH DAY, FEBRUARY 7, 2022

2022 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5847 Prime Sponsor, Senator Liias: Providing information to public service employees about the public service loan forgiveness program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5847 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5853 Prime Sponsor, Senator Billig: Establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon; Wilson, C. and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato and Padden.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5874 Prime Sponsor, Senator Nobles: Concerning residency of students affiliated with the military. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5874 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5884 Prime Sponsor, Senator Trudeau: Establishing behavioral health support specialists. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5884 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5885 Prime Sponsor, Senator Salomon: Concerning marine shoreline habitat. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5885 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5886 Prime Sponsor, Senator Holy: Creating an advisory council on rare diseases. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5886 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5892 Prime Sponsor, Senator Brown: Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5892 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5907 Prime Sponsor, Senator Wilson, J.: Concerning roadside safety measures and public awareness of emergency vehicles providing roadside assistance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5907 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5910 Prime Sponsor, Senator Carlyle: Accelerating the availability and use of renewable hydrogen in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5910 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5912 Prime Sponsor, Senator Seftik: Improving health outcomes for children on Medicaid. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5912 as recommended by Committee on Health & Long Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue;

Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5961 Prime Sponsor, Senator Seftik: Incentivizing the use of biochar in government contracts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5961 as recommended by Committee on Agriculture, Water, Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt, Vice Chair, Capital.

Referred to Committee on Rules for second reading.

February 7, 2022

SB 5964 Prime Sponsor, Senator Mullet: Concerning consolidated local permit review processes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5964 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

At 9:54 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:00 o'clock a.m. Tuesday, February 8, 2022.

DENNY HECK, President of the Senate

COLLEEN RUST, Deputy Secretary of the Senate

**THIRTIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, February 8, 2022

The Senate was called to order at 11:00 o'clock a.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. The acting Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Jane Klinker, Miss Amelie Barga, Miss Holly Gardner, Miss Daley Chapman, Miss Sunny Kalkarni, and Mr. Kai Furutani, students at Lake Washington High School, led the Senate in the Pledge of Allegiance. They students were guests of Senator Dhingra.

Rev. Dr. Tammy Stampfli, Chaplain, Providence St. Peter Hospital, Olympia, offered the prayer.

**REMARKS BY THE PRESIDENT PRO TEMPORE**

President Pro Tempore Keiser: "I would ask as your President Pro Tempore, for your patience in that Lt. Governor Heck is not able to preside for this moment, and I've not done this for some time. Especially not in the virtual setting. So, I ask for your patience."

**MOTIONS**

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

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

**INTRODUCTION AND FIRST READING**

EHB 1752 by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

AN ACT Relating to adding a Roth option to deferred compensation plans; amending RCW 41.50.770; and creating a new section.

Referred to Committee on Ways & Means.

EHB 1982 by Representatives Volz, Caldier, Wylie and Graham

AN ACT Relating to clarifying the applicability of penalty and interest on personal property taxes; reenacting and amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Ways & Means.

**MOTIONS**

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

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

**MOTION**

Senator Lovick moved adoption of the following resolution:

**SENATE RESOLUTION  
8632**

By Senators Lovick, Das, Dhingra, Hasegawa, Keiser, King, Kuderer, Lovelett, Nobles, Pedersen, Rolfes, Saldaña, Sefzik, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, and C. Wilson

WHEREAS, Sickle cell disease is an inherited blood disorder that affects red blood cells. People with sickle cell disease have red blood cells that contain an abnormal type of hemoglobin; and

WHEREAS, Normal red blood cells contain hemoglobin A. Hemoglobin S and hemoglobin C are abnormal types of hemoglobin; and

WHEREAS, Red blood cells containing mostly hemoglobin S do not live as long as normal red blood cells and have difficulty passing through the body's small vessels. These hemoglobin S red blood cells can block small blood vessels, resulting in tissue damage due to less blood reaching that portion of the body; and

WHEREAS, Sickle cell trait is an inherited condition in which both hemoglobin A and S are produced in the red blood cells, always more A than S. Sickle cell trait is not a type of sickle cell disease; and

WHEREAS, Sickle cell conditions are inherited from parents in much the same way as blood type, hair color and texture, eye color, and other physical traits. The types of hemoglobin a person makes in their red blood cells depends upon what hemoglobin genes the person inherits from his or her parents; and

WHEREAS, Since sickle cell conditions are inherited from parents, it is important for people to be aware if they are a carrier before having children; and

WHEREAS, More than 90,000 people in the United States have sickle cell disease, affecting mostly persons of African heritage according to the National Institute of Health. Currently, there is no universal cure for sickle cell disease; and

WHEREAS, Sickle cell disease results in a shortened life expectancy, with the average life expectancy being 42 years for men and 48 years for women; and

WHEREAS, Sickle cell disorders occur in about 1 in every 10,000 births in Washington State; and

WHEREAS, Studies show that children, adolescents, and young adults with sickle cell disease are less likely to graduate from high school or seek higher education; and

WHEREAS, Health maintenance for persons with sickle cell disease starts with early diagnosis, preferably as a newborn; and

WHEREAS, Treatment of complications often includes antibiotics, pain management, intravenous fluids, blood transfusions, and surgery in combination with psychosocial support; and

WHEREAS, There are promising new treatments being developed which can prevent red blood cells from sickling without causing harm to other parts of the body, reduce the frequency of severe pain and acute chest syndrome, reduce the need for blood transfusions, and provide options to eliminate iron overload caused by repeated blood transfusions; and

WHEREAS, Public awareness about sickle cell trait and disease and the numerous programs and screenings available is vital to reduce the pervasiveness of sickle cell conditions;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, hereby join the Metropolitan Seattle Sickle Cell Task Force in celebrating "Sickle Cell Awareness Week," which is the third week of September; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage and urge all citizens of this state to participate in activities during Sickle Cell Awareness Week to address the pervasiveness of sickle cell trait and disease and the need to increase public awareness of the available programs and screenings.

Senators Lovick and Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

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

#### MOTION

At 11:16 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 2:01 p.m. by the President Pro Tempore, Senator Keiser presiding.

#### MOTION

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

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

The measure was read the second time.

#### MOTION

On motion of Senator Billig, the rules were suspended, House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Billig and Braun spoke in favor of passage of the resolution.

Senators Hawkins and Saldaña spoke against passage of the resolution.

#### POINT OF ORDER

Senator Braun: "Thank you Madam President. Senator Saldaña is no longer speaking to the measure in front of the Senate. This measure does not place the whole districting plan in front of us. It does not talk about voting rights. We don't have any authority to approve or disapprove the plan as was mentioned earlier. This is very specifically about the changes and her speech has gone off that topic. Thank you, Madam President."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Senator Saldaña, just to remind speakers to speak to the bill before them, and today we are speaking to House Concurrent Resolution 4407."

Senators Saldaña and McCune spoke against passage of the resolution.

Senator Sheldon spoke in favor passage of the resolution.

Senator King spoke on passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4407.

#### ROLL CALL

The acting Secretary called the roll on the final passage of House Concurrent Resolution No. 4407 and the concurrent resolution passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dozier, Fortunato, Gildon, Holy, Hunt, King, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Nobles, Padden, Pedersen, Rivers, Robinson, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Dhingra, Frockt, Hasegawa, Hawkins, Honeyford, Keiser, Liias, McCune, Nguyen, Randall, Saldaña, Stanford and Trudeau

HOUSE CONCURRENT RESOLUTION NO. 4407, having received the constitutionally required two-thirds majority, was declared passed. There being no objection, the title of the concurrent resolution was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Pedersen, House Concurrent Resolution No. 4407 was immediately transmitted to the House of Representatives.

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

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Rolfes moved that Leonard Forsman, Senate Gubernatorial Appointment No. 9386, be confirmed as a member of the University of Washington Board of Trustees.

Senators Rolfes, Braun and Carlyle spoke in favor of passage of the motion.

#### APPOINTMENT OF LEONARD FORSMAN

The President Pro Tempore declared the question before the Senate to be the confirmation of Leonard Forsman, Senate Gubernatorial Appointment No. 9386, as a member of the University of Washington Board of Trustees.

The acting Secretary called the roll on the confirmation of Leonard Forsman, Senate Gubernatorial Appointment No. 9386, as a member of the University of Washington Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

THIRTIETH DAY, FEBRUARY 8, 2022

2022 REGULAR SESSION

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

Leonard Forsman, Senate Gubernatorial Appointment No. 9386, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Trustees.

### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that J'Vaughn P. Hall, Senate Gubernatorial Appointment No. 9323, be confirmed as a member of the Central Washington University Board of Trustees.

Senators Randall and Warnick spoke in favor of passage of the motion.

#### APPOINTMENT OF J'VAUGHN P. HALL

The President Pro Tempore declared the question before the Senate to be the confirmation of J'Vaughn P. Hall, Senate Gubernatorial Appointment No. 9323, as a member of the Central Washington University Board of Trustees.

The acting Secretary called the roll on the confirmation of J'Vaughn P. Hall, Senate Gubernatorial Appointment No. 9323, as a member of the Central Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

J'Vaughn P. Hall, Senate Gubernatorial Appointment No. 9323, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Before I recognize Senator Pedersen, I am going to just mention that so far today I have been called 'Mr. Speaker,' 'Madam Speaker,' and 'Madam Chair'. You can call me 'Madam President'."

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5788, by Senators Pedersen, Padden, Dhingra and Lovick

Concerning guardianship of minors.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Padden and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5788.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5788 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5505, by Senators Rolfes, Warnick, Hasegawa, Lovelett, Lovick, Mullet, Pedersen, Van De Wege, Wagoner and Wilson, C.

Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market.

The measure was read the second time.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5505.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5505 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5812, by Senators Warnick, Stanford, Brown and Schoesler

Including Benton county as a county qualifying for the farm internship program.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5812.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5812 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5631, by Senators Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.

Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration.

#### MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5631 was substituted for Senate Bill No. 5631 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5631.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5629, by Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C.

Concerning control of the disposition of remains.

The measure was read the second time.

#### MOTION

On motion of Senator Lovick, the rules were suspended, Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5629.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

THIRTIETH DAY, FEBRUARY 8, 2022

2022 REGULAR SESSION

SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5509, by Senators Honeyford, Mullet, Padden, Randall, Wagoner, Wilson, J. and Wilson, L.

Exempting fentanyl testing equipment from the definition of drug paraphernalia.

The measure was read the second time.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5509.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5582, by Senators Hunt and Kuderer

Concerning the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five.

The measure was read the second time.

## MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.  
Senator Wilson, J. spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5582.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5582 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5613, by Senators Van De Wege, Rolfes, Conway, Hasegawa, Liias, Lovelett, Pedersen and Stanford

Concerning the use of dogs to hunt black bear, cougar, or bobcat.

## MOTIONS

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

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

Senator Van De Wege spoke in favor of passage of the bill.

Senators Schoesler, Honeyford and Fortunato spoke against passage of the bill.

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

## ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5583, by Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen,

Nobles, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C.

Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons.

The measure was read the second time.

#### MOTION

On motion of Senator Trudeau, the rules were suspended, Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau spoke in favor of passage of the bill.

Senators Wagoner spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5583.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5607, by Senators Wilson, L., Braun, Hasegawa, Rolfes, Wellman and Wilson, J.

Including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, L., the rules were suspended, Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, L. and Kuderer spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5607.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5929, by Senators Wilson, C. and Nguyen

Changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force.

The measure was read the second time.

#### MOTION

Senator Gildon moved that the following amendment no. 995 by Senator Gildon be adopted:

On page 2, line 8, after "~~((five))~~" strike "eight" and insert "two"  
 On page 2, beginning on line 9, after "representing" strike all material through "management" on line 17 and insert "~~((the: (a) Commission on African American affairs; (b) State commission on Hispanic affairs; (c) State commission on Asian Pacific American affairs; (d) Governor's office of Indian affairs; and (e) Office of financial management))~~;  
(a) The office of equity; and  
(b) An accredited financial counselor accredited by the association for financial counseling and planning education"

Senator Gildon spoke in favor of adoption of the amendment.

Senator Wilson, C. spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 995 by Senator Gildon on page 2, line 8 to Senate Bill No. 5929.

The motion by Senator Gildon did not carry and amendment no. 995 was not adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Gildon spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5929.

#### ROLL CALL

THIRTIETH DAY, FEBRUARY 8, 2022

2022 REGULAR SESSION

The acting Secretary called the roll on the final passage of Senate Bill No. 5929 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 3:48 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 3:56 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 8, 2022

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407,  
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the Vice President Pro Tempore announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4407.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5610, by Senators Frockt, Cleveland, Conway, Dhingra, Hasegawa, Honeyford, Keiser, Kuderer, Liias, Lovelett, Lovick, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.

Requiring cost sharing for prescription drugs to be counted against an enrollee's obligation, regardless of source.

## MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Muzzall and Rivers spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5610.

## ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, McCune and Padden

SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5546, by Senators Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford and Wilson, C.

Concerning insulin affordability.

## MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5546 was substituted for Senate Bill No. 5546 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Muzzall and Liias spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5546.

## ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

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

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5866, by Senators Robinson, Randall, Conway, Kuderer, Lovick, Nguyen, Nobles and Wilson, C.

Concerning medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes.

The measure was read the second time.

#### MOTION

On motion of Senator Robinson, the rules were suspended, Senate Bill No. 5866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5866.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5866 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5589, by Senators Robinson, Cleveland, Frockt and Randall

Concerning statewide spending on primary care.

#### MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5589 was substituted for Senate Bill No. 5589 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Robinson, the rules were suspended, Substitute Senate Bill No. 5589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5589.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5589 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, I'm sure it was inadvertent, and - first of all, congratulations on presiding over the Senate - but I did seek to speak on that last matter and was not recognized and I realize it's quite difficult under this remote system. I guess if we were all on the floor, I think it less likely that would happen, but I was going to explain my no vote, but I perhaps will write something for the journal. And that was my point of inquiry. Thank you."

#### REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Lovick: "Thank you Senator."

EDITOR'S NOTE: A statement for the journal was not received by the Office of the Secretary.

#### SECOND READING

SENATE BILL NO. 5620, by Senators Wilson, L., Braun, Dhingra, Gildon, Rolfes and Wilson, J.

Concerning medicaid expenditures.

#### MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, L., the rules were suspended, Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTIETH DAY, FEBRUARY 8, 2022

2022 REGULAR SESSION

Senators Wilson, L., Rolfes, Muzzall and Frockt spoke in favor of passage of the bill.

SECOND READING

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5620.

SENATE BILL NO. 5510, by Senators King, Lovelett, Dozier, Mullet, Saldaña and Wilson, J.

Concerning renewal of the sales and use tax for transportation benefit districts.

ROLL CALL

The measure was read the second time.

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTION

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

On motion of Senator King, the rules were suspended, Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5510.

ROLL CALL

SUBSTITUTE SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The acting Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

SECOND READING

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

SENATE BILL NO. 5707, by Senators Saldaña, Pedersen and Nguyen

Extending additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

Voting nay: Senators Hasegawa, Honeyford, Padden and Schoesler

The measure was read the second time.

MOTION

SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Saldaña, the rules were suspended, Senate Bill No. 5707 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PERSONAL PRIVILEGE

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

Senator Sheldon: "Thank you Mr. President. As we move through these bills rather rapidly, I would like to just take a moment to recognize a member of our Senate family that passed away last year. Russ Denney was a good friend to all of us. He served here as a security, in our security team, primarily in other buildings, not in the Legislative Building. But Russ grew up in Centralia and spent most of his life in Shelton where he operated the Pantorium Cleaners. He and his wife Pat were married for 59 years, and when you went into Russ' shop you were going to talk politics because you were an elected official and he had you nailed. He wasn't a Democrat or a Republican, he just wanted good government and it didn't matter what party you belonged to. He did the cleaning for all the uniforms in town and the county. Probably cleaned your uniform, Mr. President, when you were at the Academy. The city police, the sheriff's office, the corrections officers in Shelton; he took care of a lot of those uniforms. But he loved his job here as a security officer. He was so interested in politics. And we'll miss Russ. But I wanted to mention that to those that knew him, And to those, if you didn't, he was a fine, fine gentleman."

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5707.

Mr. James Russ Denney, 1942- October 17, 2021.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5707 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Fortunato, Gildon, Holy, Honeyford, McCune, Padden, Schoesler, Sefzik, Short, Van De Wege, Wagoner and Wilson, L.

SENATE BILL NO. 5707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5553, by Senators Wilson, C., Das, Hasegawa, Lovick, Nguyen, Nobles, Randall and Wellman

Providing data regarding early STEM metrics in the STEM education report card.

#### MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hawkins spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5880, by Senators Salomon, Conway, Keiser, Liias, Lovick, Nobles and Van De Wege

Concerning fire protection sprinkler system contractors.

#### MOTIONS

On motion of Senator Salomon, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5880.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Rivers, Schoesler and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5558, by Senators King, Liias and Mullet

Concerning the bistate governance of interstate toll bridges owned by local governments.

#### MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Liias and Honeyford spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5558.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5491, by Senators Pedersen, Rivers and Mullet

Clarifying waiver of firearm rights.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Fortunato spoke on passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5491.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5428, by Senators Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña and Wellman

Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

MOTION

On motion of Senator Nguyen, Substitute Senate Bill No. 5428 was substituted for Senate Bill No. 5428 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5428, by Senate Housing & Local Government (originally sponsored by Senators Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña, and Wellman)

Revised for 1st Substitute: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

MOTION

Senator Nguyen moved that the following striking amendment no. 947 by Senator Nguyen be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Until August 1, 2032, permit actions to site a temporary shelter or transitional encampment are exempt from compliance with this chapter if the following conditions are met:

- (a) The facility is used for people experiencing homelessness;
- (b) The facility includes no more than 200 beds and the number of occupants is based on one person for each bed;
- (c) The facility is used on the site for no more than five years;
- (d) The facility does not involve erecting a new permanent structure;

(e) The jurisdiction in which the facility will be located has declared a state of emergency on homelessness;

(f) For any facility proposed to be located within .25 miles of another town, city, or county, the facility operator or permit applicant must provide written notice of the facility's size, location, and services via email or first-class mail to that jurisdiction's mayor or executive at least 14 calendar days before any permit application for the facility is submitted;

(g) The facility operator must establish a community advisory committee that provides input on facility operations. As requested by any town, city, or county within .25 miles of the facility, the committee must include one representative as identified by that jurisdiction. A representative of the facility operator must attend all advisory committee meetings and provide to the committee quarterly reports that address facility operations;

(h) The allowance of drugs or alcohol by facility occupants must be determined by the jurisdiction based on analysis of the needs and population served by the specific facility; and

(i) The facility complies with any drainage, erosion control, and other water quality regulations of the jurisdiction and is consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction.

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

(a) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(b) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

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

On page 1, line 2 of the title, after "encampments" strike the remainder of the title and insert "to provide clarity and predictability to jurisdictions about categorical exemptions for temporary shelters and transitional encampments; adding a new section to chapter 43.21C RCW; and declaring an emergency."

MOTION

Senator Short moved that the following amendment no. 980 by Senator Short be adopted:

On page 1, line 28, after "operations" insert ". The community advisory committee must create a process to accept and address complaints from the community."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 980 by Senator Short on page 1, line 28 to striking amendment no. 947.

The motion by Senator Short carried and amendment no. 980 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 977 by Senator Wilson, J. be adopted:

On page 1, line 31, after "facility;" strike "and"

On page 2, line 4, after "jurisdiction" insert "; and

(j) The facility host or operator has developed a disengagement plan for cleanup for the facility"

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 977 by Senator Wilson, J. on page 1, line 31 to striking amendment no. 947.

The motion by Senator Wilson, J. carried, and amendment no. 977 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 978 by Senator Wilson, J. be adopted:

On page 1, line 31, after "facility;" strike "and"

On page 2, line 4, after "jurisdiction" insert "; and

(j) The facility host or operator has developed a medical waste disposal plan for the facility"

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 978 by Senator Wilson, J. on page 1, line 31 to striking amendment no. 947.

The motion by Senator Wilson, J. carried, and amendment no. 978 was adopted by voice vote.

#### MOTION

Senator McCune moved that the following amendment no. 979 by Senator McCune be adopted:

On page 1, line 31, after "facility;" strike "and"

On page 2, line 4, after "jurisdiction" insert "; and

(j) The facility host or operator has developed a solid waste management program for the facility"

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 979 by Senator McCune on page 1, line 31 to striking amendment no. 947.

The motion by Senator McCune carried and amendment no. 979 was adopted by voice vote.

#### MOTION

Senator Sefzik moved that the following amendment no. 981 by Senator Sefzik be adopted:

On page 1, line 31, after "facility;" strike "and"

On page 2, line 4, after "jurisdiction" insert "; and

(j) The local jurisdiction must require and make available employment, mental health, and drug counseling services at the facility"

Senators Sefzik and Nguyen spoke in favor of adoption of the amendment to the striking amendment.

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 981 by Senator Sefzik on page 1, line 31 to striking amendment no. 947.

The motion by Senator Sefzik carried and amendment no. 981 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 982 by Senator Fortunato be adopted:

On page 2, beginning on line 3, after "applicable" strike all material through "permit or" on line 4

On page 2, line 4, after "jurisdiction." insert "Including the development of a stormwater monitoring plan for the facility to include weekly monitoring and monthly reporting to the department of ecology or, if more than one acre of soil is disturbed, to include the construction stormwater requirements using the department of ecology's water quality web discharge monitoring reporting system."

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

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 982 by Senator Fortunato on page 2, line 3 to striking amendment no. 947.

The motion by Senator Fortunato did not carry and amendment no. 982 was not adopted by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 947 by Senator Nguyen as amended to Substitute Senate Bill No. 5428.

The motion by Senator Nguyen carried and striking amendment no. 947 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute Senate Bill No. 5428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Short, Kuderer and Carlyle spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5428.

#### ROLL CALL

THIRTIETH DAY, FEBRUARY 8, 2022

2022 REGULAR SESSION

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5428 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Hawkins, Honeyford, McCune, Padden, Salomon, Schoesler and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5497, by Senators Wilson, C., Nobles, Conway, Das, Hunt, Lovelett, Lovick, Nguyen, Saldaña and Wellman

Extending voting authority to student members on the state board of education.

## MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hawkins spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5497.

## ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5657, by Senators Wellman, Hunt, Gildon, Hasegawa, Mullet, Nguyen, Nobles, Rivers and Wilson, C.

Concerning computer science instruction in state long-term juvenile institutions.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5657.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5878, by Senators Rolfes, Wellman, Hunt, Lovick, Nobles and Wilson, C.

Clarifying visual and performing arts instruction.

## MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5878 was substituted for Senate Bill No. 5878 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Mullet moved that the following amendment no. 996 by Senator Mullet be adopted:

On page 3, at the beginning of line 1, after "art" strike "and" and insert "or"

Senator Mullet spoke in favor of adoption of the amendment. Senators Rolfes and Wagoner spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 996 by Senator Mullet on page 3, line 1 to Substitute Senate Bill No. 5878.

The motion by Senator Mullet carried and amendment no. 996 was adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Hawkins spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5878.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Padden and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5594, by Senators Short, Wellman, Hasegawa, Padden and Wagoner

Concerning public school instruction in awareness of bone marrow donation.

#### MOTIONS

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

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

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5594.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Well, thank you very much Mr. President. I would like to offer my giant thanks and congratulations for a very successful first afternoon for you up on the rostrum. I know that the gentlelady from the Thirty-third District is very relieved to have you here with us. And I think all of us are delighted that you come so well prepared for helping us out in this way."

#### MOTION

At 6:31 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 9, 2022.

KAREN KEISER, President Pro Tempore of the Senate

COLLEEN RUST, Deputy Secretary of the Senate

**THIRTY FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
 Wednesday, February 9, 2022

The Senate was called to order at 10:00 o'clock a.m. by the Vice President Pro Tempore, Senator Lovick presiding. The acting Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Finley Kochaniewicz, Mr. Thomas Kochaniewicz, Miss Sally Kochaniewicz, and Mr. Seamus Kochaniewicz led the Senate in the Pledge of Allegiance and are the children of Mr. Sean Kochaniewicz, Reading Clerk of the Senate.

The prayer was offered by Reverend Dr. Troy Lynn Carr of United Methodist Church, Seattle.

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

February 8, 2022

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1593,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699,
- SUBSTITUTE HOUSE BILL NO. 1701,
- SUBSTITUTE HOUSE BILL NO. 1759,
- HOUSE BILL NO. 1785,
- SUBSTITUTE HOUSE BILL NO. 1794,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
- HOUSE BILL NO. 1825,
- SUBSTITUTE HOUSE BILL NO. 1867,
- HOUSE BILL NO. 1888,
- SUBSTITUTE HOUSE BILL NO. 1901,
- HOUSE BILL NO. 1907,
- HOUSE BILL NO. 1920,
- HOUSE BILL NO. 1927,
- SUBSTITUTE HOUSE BILL NO. 1955,
- ENGROSSED HOUSE BILL NO. 1973,
- SUBSTITUTE HOUSE BILL NO. 2046,
- SUBSTITUTE HOUSE BILL NO. 2057,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5973 by Senator Stanford

AN ACT Relating to the unlawful trade of fur products; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

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

SB 5974 by Senators Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385, 82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, and 70A.65.230; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5975 by Senators Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

**MOTIONS**

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

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

**MOTION**

Senator Sefzik moved adoption of the following resolution:

**SENATE RESOLUTION**

8642

By Senators Sefzik, Lovelett, J. Wilson, Hasegawa, McCune, Nguyen, Randall, and Saldaña

WHEREAS, The Washington state commercial fishing fleet begins leaving in May 2022 for the Pacific and Alaskan waters; and

WHEREAS, The Blessing of the Fleet will occur in Blaine Harbor on May 1, 2022; and

WHEREAS, The commercial fishing industry has been a long tradition in the state of Washington, and is an integral aspect of economic life for many families; and

WHEREAS, The danger and hardship of fishers on the high seas requires bravery, courage, and fortitude from the people who risk their lives to harvest the ocean's resources; and

WHEREAS, The risks involved with fishing too often take the lives of the brave men and women who choose to work on the sea; and

WHEREAS, The tragedy of losing our friends and neighbors on the high seas impacts not only the close community of fishing families, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all our fishers will return home safely to their families, friends, and communities.

Senators Sefzik, Saldaña, Lovelett and McCune spoke in favor of adoption of the resolution.

#### MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

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

#### MOTION

At 10:16 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 11:58 a.m. by the Vice President Pro Tempore, Senator Lovick presiding.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 8, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wilson, C. moved that Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, be confirmed as a Director of the Department of Social and Health Services.

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

#### MOTIONS

On motion of Senator Wagoner, Senator Wilson, L. was excused.

On motion of Senator Randall, Senators Lias and Rolfes were excused.

#### APPOINTMENT OF JILMA L. MENESES

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, as a Director of the Department of Social and Health Services.

The acting Secretary called the roll on the confirmation of Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, as a Director of the Department of Social and Health Services and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Wilson, L.

Jilma L. Meneses, Senate Gubernatorial Appointment No. 9377, having received the constitutional majority was declared confirmed as a Director of the Department of Social and Health Services.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Holy moved that Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Holy spoke in favor of the motion.

#### APPOINTMENT OF AURIANA S. MITCHELL

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, as a member of the Eastern Washington University Board of Trustees.

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

The acting Secretary called the roll on the confirmation of Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Wilson, L.

Auriana S. Mitchell, Senate Gubernatorial Appointment No. 9300, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Clarifying equipment requirements for wheeled all-terrain vehicles.

The bill was read on Third Reading.

Senator Padden spoke on final passage of the bill.

MOTION

On motion of Senator Pedersen, further consideration of Substitute Senate Bill No. 5332 was deferred, and the bill held its place on the third reading calendar.

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

SECOND READING

SENATE BILL NO. 5750, by Senators Wilson, C. and Kuderer

Designating the Washington state leadership board a trustee of the state of Washington.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5750.

ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5750 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Wilson, L.

SENATE BILL NO. 5750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

The Senate resumed consideration of Substitute Senate Bill No. 5332 which had been deferred earlier in the day.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Clarifying equipment requirements for wheeled all-terrain vehicles.

MOTIONS

On motion of Senator Pedersen, the rules were suspended and Substitute Senate Bill No. 5332 was returned to second reading for the purposes of amendment.

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5332 was substituted for Substitute Senate Bill No. 5332 and the second substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Transportation (originally sponsored by Padden)

Revised for 2nd Substitute: Concerning off-road and wheeled all-terrain vehicles.

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Lias and Pedersen spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5332.

ROLL CALL

The acting Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Excused: Senators Sheldon and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5898, by Senators Liias, King and Saldaña

Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5898.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Wilson, L.

SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5534, by Senators Brown and Wagoner

Concerning the use of verifiable credentials.

The measure was read the second time.

#### MOTION

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

#### MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Liias was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5534.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Liias, Nguyen, Sheldon and Wilson, L.

SENATE BILL NO. 5534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5862, by Senators Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.

Concerning technical changes to the commercial property assessed clean energy and resiliency program.

#### MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5862.

#### ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

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

Excused: Senators Liias, Nguyen, Sheldon and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:43 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 2:02 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

## SECOND READING

SENATE BILL NO. 5940, by Senator King

Creating a liquor license endorsement.

The measure was read the second time.

## MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5940.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Rolfes

Excused: Senator Sheldon

SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5761, by Senators Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

Concerning employer requirements for providing wage and salary information to applicants for employment.

## MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on the second reading and read the second time.

Senator Randall moved that the following amendment no. 1039 by Senator Randall be adopted:

On page 1, line 13, after "applicant" insert ". For the purposes of this section, "posting" means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an employer or indirectly through a third party, and includes any postings done electronically, or with a printed hard copy, that includes qualifications for desired applicants"

Senator Randall spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1039 by Senator Randall on page 1, line 13 to Substitute Senate Bill No. 5761.

The motion by Senator Randall carried and amendment no. 1039 was adopted by voice vote.

## MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Keiser, Wellman, Trudeau and Conway spoke in favor of passage of the bill.

Senators King, Fortunato, Sefzik and Braun spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5761.

## ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5873, by Senators Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Lias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.

Concerning unemployment insurance, family leave, and medical leave premiums.

## MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5873 was substituted for Senate Bill No. 5873 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5873, by Senators Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Lias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.

Revised for Substitute: Concerning unemployment insurance.

Senator Keiser moved that the following amendment no. 990 by Senator Keiser be adopted:

On page 1, line 1 of the title, after "to" strike "unemployment insurance" and insert "the social cost factor in unemployment insurance premiums"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 990 by Senator Keiser on page 1, line 1 to Substitute Senate Bill No. 5873.

The motion by Senator Keiser carried and amendment no. 990 was adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5873.

## ROLL CALL

The acting Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5868, by Senators Hawkins, Kuderer, Braun, Fortunato, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Warnick

Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing.

The measure was read the second time.

## MOTION

On motion of Senator Hawkins, the rules were suspended, Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Kuderer spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5868.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Hasegawa, Honeyford, Mullet, Robinson, Rolfes, Saldaña and Schoesler

SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5564, by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.

Protecting the confidentiality of employees using employee assistance programs.

## MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5564 was substituted for Senate Bill No. 5564 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5564.

## ROLL CALL

The acting Secretary called the roll on the final passage of Substitute Senate Bill No. 5564 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford, Padden, Schoesler and Wagoner

SUBSTITUTE SENATE BILL NO. 5564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5566, by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

Expanding eligibility for the independent youth housing program.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Fortunato and Lovelett spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5566.

## ROLL CALL

The acting Secretary called the roll on the final passage of Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 3:00 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 3:08 p.m. by the President Pro Tempore, Senator Keiser presiding.

## SECOND READING

SENATE BILL NO. 5863, by Senators Saldaña, Lias, Lovick, Nguyen and Wilson, C.

Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety.

## MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5863 was substituted for Senate Bill No. 5863 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5863.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5856, by Senators Wilson, J. and Wilson, L.

Concerning transfers of firearms to museums and historical societies.

## MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5856 was substituted for Senate Bill No. 5856 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5856.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5856 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5931, by Senators Wagoner and Dhingra

Concerning appointment of judges pro tempore in the court of appeals.

The measure was read the second time.

#### MOTION

On motion of Senator Wagoner, the rules were suspended, Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Dhingra spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5931.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5596, by Senators Trudeau, Frockt, Dhingra, Nobles and Wilson, C.

Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act.

The measure was read the second time.

#### MOTION

On motion of Senator Trudeau, the rules were suspended, Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5596.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5628, by Senators Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.

Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking.

#### MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

On motion of Senator Pedersen, further consideration of Substitute Senate Bill No. 5628 was deferred, and the bill held its place on the second reading calendar.

#### SECOND READING

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

SENATE BILL NO. 5609, by Senators Trudeau, Wilson, C., Das, Hasegawa, Nguyen, Nobles and Stanford

Eliminating fingerprinting at juvenile dispositions.

The measure was read the second time.

## MOTION

Senator Fortunato moved that the following amendment no. 1041 by Senator Fortunato be adopted:

Beginning on page 1, line 4, strike all of section 1 and insert the following:

"Sec. 1. RCW 10.64.110 and 2021 c 311 s 20 are each amended to read as follows:

(1) Following June 15, 1977, except as provided in subsection (3) of this section, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff or the Washington state patrol. For juvenile cases, fingerprints may not be taken by a court clerk or other juvenile court staff unless the person taking the fingerprints is certified or trained in fingerprinting techniques that ensure usability and efficacy for later use.

(2) The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

(3) Amended judgment and sentences issued pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the fingerprinting requirements in subsection (1) of this section when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. In such cases, the amended judgment and sentence shall reference the original judgment and sentence and the fingerprints affixed thereto."

Senator Fortunato spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1041 by Senator Fortunato on page 1, line 4 to Senate Bill No. 5609.

The motion by Senator Fortunato did not carry and amendment no. 1041 was not adopted by voice vote.

## MOTION

On motion of Senator Trudeau, the rules were suspended, Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5609.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5728, by Senators Holy, Dhingra and Nobles

Concerning the state's portion of civil asset forfeiture collections.

## MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 5728 was substituted for Senate Bill No. 5728 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holy, the rules were suspended, Substitute Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy and Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5728.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5729, by Senators Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.

Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

#### MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5729.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5531, by Senators Pedersen, Wilson, L. and Mullet

Concerning the revised uniform unclaimed property act.

#### MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on the second reading and read the second time.

Senator Pedersen moved that the following amendment no. 1010 by Senator Pedersen be adopted:

On page 9, beginning on line 2, after "arose" strike all material through "certificate" on line 3

On page 16, line 2, after "(1)" insert "In this section, "death master file" means the United States social security administration death master file or other database or service that is at least as comprehensive as the United States social security administration death master file for determining that an individual reportedly has died.

(2)"

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

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1010 by Senator Pedersen on page 9, line 2 to Substitute Senate Bill No. 5531.

The motion by Senator Pedersen carried and amendment no. 1010 was adopted by voice vote.

#### MOTION

Senator Pedersen moved that the following amendment no. 1025 by Senator Pedersen be adopted:

On page 16, line 16, after "death;" strike "or"

On page 16, line 17, after "(d)" insert "(i) The administrator or the administrator's agent conducts a comparison for the purpose of finding matches during an examination conducted under sections 1001 through 1013 of this act between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death.

(ii) The administrator or the administrator's agent may not exercise the authority provided in (d)(i) of this subsection (1) when the company has conducted a death master file comparison, relevant to the period under examination, in accordance with (c) of this subsection (1) and subsection (2) of this section; or (c)"

Correct any internal references accordingly.

On page 16, line 24, after "(c)" insert "and (d)"

Senator Pedersen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1025 by Senator Pedersen on page 16, line 16 to Substitute Senate Bill No. 5531.

The motion by Senator Pedersen carried and amendment no. 1025 was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5531.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5710, by Senators Padden and Wilson, L.

Reducing contamination in the state toxicology laboratory.

## MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5710.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Senator Pedersen moved the Senate be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

## POINT OF INQUIRY

Senator Carlyle: "Madam President, I understand we are taking a modest break for dinner, I appreciate that. I wonder if the gracious President Pro Tempore could be so kind as to consider the possibility that upon our return this evening, that there might be a slight chance to increase the quality of air internally by allowing some of the doors to be open into the evening. I realize there is just a handful of folks in the peoples' chamber, I mean in the broader Capitol itself, and I just wonder if we are meeting all the public health guidelines, and I think it might improve the quality of our work if we were to have a little bit additional breathing. Thank you so much."

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Senator Carlyle, your point is well taken and we will ask our Senate staff to work with us to improve our air quality and open our doors for the time while we are out of the chamber. Thank you very much for your suggestion."

## MOTION

At 4:10 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 6:41 p.m. by the President Pro Tempore, Senator Keiser presiding.

## MOTION

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

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Frockt moved that Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Frockt, Holy and Conway spoke in favor of passage of the motion.

## APPOINTMENT OF PHYLLIS GUTIERREZ KENNEY

The President Pro Tempore declared the question before the Senate to be the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Van De Wege

Phyllis Gutierrez Kenney, Senate Gubernatorial Appointment No. 9217, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Kuderer moved that Pedro Espinoza-Bravo, Senate gubernatorial Appointment No. 9311, be confirmed as a member of the Housing Finance Commission.

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

#### APPOINTMENT OF PEDRO ESPINOZA-BRAVO

The President Pro Tempore declared the question before the Senate to be the confirmation of Pedro Espinoza-Bravo, Senate gubernatorial Appointment No. 9311, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Pedro Espinoza-Bravo, Senate gubernatorial Appointment No. 9311, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Pedro Espinoza-Bravo, gubernatorial Appointment No. 9311, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

#### MOTION

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

The Senate resumed consideration of Substitute Senate Bill No. 5628 which had been deferred earlier in the day.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5628, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.)

Concerning cyber harassment, addressing concerns in the case of *Rynearson v. Ferguson*, and adding a crime of cyberstalking.

The measure was read the second time.

#### MOTION

Senator Honeyford moved that the following amendment no. 997 by Senator Honeyford be adopted:

On page 2, line 6, after "or of" strike "any other person" and insert "the person's family"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 997 by Senator Honeyford on page 2, line 6 to Substitute Senate Bill No. 5628.

The motion by Senator Honeyford did not carry and amendment no. 997 was not adopted by voice vote.

#### MOTION

Senator Frockt moved that the following amendment no. 1050 by Senator Frockt be adopted:

On page 2, line 35, after "participant" insert "or election official"

On page 2, line 36, after "duties" insert "or election official's official duties"

On page 2, line 38, after "participant" insert "or election official"

On page 3, line 1, after "participant" insert "or election official"

On page 3, line 2, after "duties" insert "or election official's official duties"

On page 3, line 7, after "participant" insert "or election official"

On page 3, line 9, after "participant" insert "or election official"

On page 3, line 11, after "participant" insert "or election official"

On page 3, line 13, after "participant" insert "or election official"

On page 3, line 29, after "(5)" insert "For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of the county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes as provided in Title 29A RCW.

(6)"

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

On page 8, line 17, after "11.88.010," strike "and" and insert "((and))"

On page 8, line 17, after "(b)" insert "any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022), and (c)"

Correct any internal references accordingly.

On page 8, line 20, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 8, line 32, after "made;" strike "or" and insert "((or))"

On page 8, line 32, after "(B)" insert "that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022); or (C)"

Correct any internal references accordingly.

On page 8, line 36, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 9, line 4, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 9, line 13, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

On page 10, line 19, after "made," strike "or" and insert "((or))"

On page 10, line 19, after "(b)" insert "the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260 (as recodified by this act) or 9A.46.020(2)(c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022), or (c)"

Correct any internal references accordingly.

On page 10, line 22, after "(iv)" insert "or (c) (section 1(2)(c), chapter . . . (Substitute Senate Bill No. 5148), Laws of 2022)"

Senators Frockt, Padden and Hunt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1050 by Senator Frockt on page 2, line 35 to Substitute Senate Bill No. 5628.

The motion by Senator Frockt carried and amendment no. 1050 was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5628.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5933, by Senators Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.

Establishing a school seismic safety grant program.

#### MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5933 was substituted for Senate Bill No. 5933 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Schoesler, Mullet and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5933.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5933 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5539, by Senators Hunt and Wilson, C.

Concerning state funding for educational service districts.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5539.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5687, by Senators Wilson, C., Liias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

Addressing certain traffic safety improvements.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Senate Bill No. 5687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, C. spoke in favor of passage of the bill.  
Senator King spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5687.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5687 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

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

SENATE BILL NO. 5687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5883, by Senators Trudeau, Keiser, Billig, Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.

Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries.

#### MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5883 was substituted for Senate Bill No. 5883 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following striking amendment no. 1019 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 2.** (1) The office of the attorney general shall post on its website information related to the principle of implied emancipation, also known as the mature minor rule, as articulated in *Smith v. Seibly*, 72 Wn.2d (1967).

(2) The office of the attorney general shall solicit feedback on the principle of implied emancipation from health care providers and potentially impacted parties.

(3) By January 1, 2023, the office of the attorney general shall submit a report to the appropriate committees of the legislature on the principle of implied emancipation and its application to homeless youth that includes model policies, findings, recommendations, information on different policies applied by health care providers, and feedback from health care providers pursuant to subsection (2) of this section. Recommendations may take the form of draft legislation.

(4) For purposes of this section:

(a) "Health care provider" has the same meaning as in RCW 7.70.020.

(b) "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005.

(c) "Youth" means an unemancipated individual who is under the chronological age of 18 years."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "advising health care providers on the mature minor rule; and creating a new section."

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

Senator Dhingra spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 1019 by Senator Padden to Substitute Senate Bill No. 5883.

The motion by Senator Padden did not carry and striking amendment no. 1019 was not adopted by voice vote.

#### MOTION

On motion of Senator Trudeau, the rules were suspended, Substitute Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

SENATE BILL NO. 5748, by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

Concerning disability benefits in the public safety employees' retirement system.

The measure was read the second time.

## MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5748.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5690, by Senators Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner

Concerning firearms on the capitol campus for the sole purpose of organized memorial events.

## MOTION

On motion of Senator Gildon, Substitute Senate Bill No. 5690 was substituted for Senate Bill No. 5690 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Honeyford moved that the following amendment no. 1046 by Senator Honeyford be adopted:

On page 2, line 18, after "affairs" insert ", or affiliated with the national sons of the American revolution or sons of union veterans of the civil war,"

Senators Honeyford and Dhingra spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1046 by Senator Honeyford on page 2, line 18 to Substitute Senate Bill No. 5690.

The motion by Senator Honeyford carried and amendment no. 1046 was adopted by voice vote.

## MOTION

On motion of Senator Gildon, the rules were suspended, Engrossed Substitute Senate Bill No. 5690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5690.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5690 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 7:53 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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 EVENING SESSION
 

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The Senate was called to order at 8:16 p.m. by the President Pro Tempore, Senator Keiser presiding.

## SECOND READING

SENATE BILL NO. 5919, by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

Concerning the standard for law enforcement authority to detain or pursue persons.

## MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5919 was not substituted for Senate Bill No. 5919 and the substitute bill was not adopted by voice vote.

The measure was read the second time.

## MOTION

Senator Dhingra moved that the following striking amendment no. 1062 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes clarity is necessary following the passage of Engrossed Second Substitute House Bill No. 1310, codified as chapter 10.120 RCW. The legislature recognizes and finds that RCW 10.120.020 did not prohibit investigatory detentions, known as *Terry* stops, or pat downs when, under the totality of the circumstances, such are authorized by law and of a reasonable scope and duration. It is the intent of the legislature in RCW 10.120.020 that peace officers will use the least amount of physical force necessary under the circumstances. The legislature intends to address the need for a definition of "physical force" in order to aid the attorney general's office in developing and publishing model policies to help implement chapter 10.120 RCW. This definition is needed to assure that there is a uniform and consistent meaning applied throughout the state and that the criminal justice training commission is providing training to that definition. It is the fundamental duty of law enforcement to preserve and protect all human life.

**Sec. 2.** RCW 10.120.010 and 2021 c 324 s 2 are each amended to read as follows:

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

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

(2) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

(3) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of force does not appear to exist, and that the amount of force used was a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

(4) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

(5) "Physical force" means any act likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

(6) "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force and the actions of the peace officer.

**Sec. 3.** RCW 10.120.020 and 2021 c 324 s 3 are each amended to read as follows:

(1)(a) Except as otherwise provided under this section, a peace officer may use physical force against a person when necessary to:

(i) Protect against criminal conduct where there is probable cause to make an arrest; ~~((effect))~~

(ii) ~~Effect~~ an arrest; ~~((prevent))~~

(iii) ~~Prevent~~ an escape as defined under chapter 9A.76 RCW;

(iv) Effect an investigative detention with less than probable cause if the peace officer has reasonable and articulable facts that point towards criminal activity, including when, under the totality of the circumstances, the situation escalates so that there are now facts sufficient to effectuate an arrest, whether or not an arrest is carried out; or ~~((protect))~~

(v) ~~Protect~~ against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(b) A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. For purposes of this subsection (1)(b)~~((~~

~~((i) "Imminent))~~, "imminent threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

~~((ii) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.~~

~~((iii) "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.)~~

(2) A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

(a) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed;

(b) When using physical force, use ~~((the least))~~ a proportional amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force ~~((possible))~~ reasonable to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;

(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use available and appropriate less lethal alternatives before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for their use.

(3) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(4) Nothing in this section prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section."

On page 1, line 1, of the title, after "to" strike the remainder of the title and insert "the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards; amending RCW 10.120.010 and 10.120.020; and creating a new section."

MOTION

Senator Wagoner moved that the following amendment no. 1065 by Senator Wagoner be adopted:

On page 1, after line 19, insert the following:

"**Sec. 2.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not ~~((engage in))~~ conduct a vehicular pursuit, unless:

(a)~~((i))~~ There is ~~((probable cause))~~ reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, ~~((or))~~ an escape under chapter 9A.76 RCW~~((or~~

~~((ii) There is reasonable suspicion a person in the vehicle has committed or is committing)),~~ a driving under the influence offense under RCW 46.61.502, a crime against persons offense pursuant to RCW 9.94A.411, or another criminal offense where the public safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the))~~ a public safety ((of others)) risk and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)~~((i) Except as provided in (d)(ii) of this subsection, the))~~ The officer ((has received)) receives authorization to ((engage in)) continue the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met~~((;~~

~~((ii) For those jurisdictions with fewer than 10 commissioned officers, if)).~~ If a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit

according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer."

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

On page 5, line 1, after "RCW" strike "10.120.010" and insert "10.116.060, 10.120.010,"

Senators Wagoner, Lovick, Padden, Fortunato and Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senators Dhingra, Frockt, Saldaña and Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1065 by Senator Wagoner on page 1, after line 19 to striking amendment no. 1062.

The motion by Senator Wagoner carried and amendment no. 1065 was adopted by voice vote.

MOTION

Senator Dhingra moved that the following amendment no. 1061 by Senator Dhingra be adopted:

On page 2, line 33, after "has" strike "reasonable" and insert ";(A) Reasonable"

On page 2, line 34, after "activity" strike ", including when," and insert "and"

On page 2, line 37, after "out" insert ";(B) identified himself or herself as an officer or is reasonably identifiable as an officer;(C) informed the person that he or she is detained for an investigative detention; and (D) notified the person that he or she is not free to leave"

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

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

The President declared the question before the Senate to be the adoption of amendment no. 1061 by Senator Dhingra on page 2, line 33 to striking amendment no. 1062.

The motion by Senator Dhingra did not carry and amendment no. 1061 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 1063 by Senator Padden be adopted:

On page 4, after line 27, insert the following:

**"Sec. 4.** RCW 10.116.020 and 2021 c 320 s 2 are each amended to read as follows:

(1) A peace officer may not use a chokehold (~~(or neck restraint)~~) on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section(~~(:~~

~~(a) "Chokehold"), "chokehold"~~ means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

~~((b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.))"~~

On page 5, at the beginning of line 2, strike "and 10.120.020" and insert ", 10.120.020, and 10.116.020"

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

Senators Van De Wege and Trudeau spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1063 by Senator Padden on page 4, after line 27 to striking amendment no. 1062.

The motion by Senator Padden did not carry and amendment no. 1063 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 1064 by Senator Wagoner be adopted:

On page 4, after line 27, insert the following:

**"NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 5, line 2, after "10.120.020;" strike all material through "section" and insert "creating a new section; and declaring an emergency"

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1064 by Senator Wagoner on page 4, after line 27 to striking amendment no. 1062.

The motion by Senator Wagoner carried and amendment no. 1064 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 1062 by Senator Dhingra as amended to Senate Bill No. 5919.

The motion by Senator Dhingra carried and striking amendment no. 1062 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Padden, Sefzik, Mullet and Lovick spoke in favor of passage of the bill.

Senators Dhingra, Frockt, Saldaña, Kuderer, Trudeau and Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5919.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Mullet, Muzzall, Padden, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

ENGROSSED SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### SECOND READING

SENATE BILL NO. 5078, by Senators Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett

Addressing firearm safety measures to increase public safety.

#### MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5078 was substituted for Senate Bill No. 5078 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5078, by Senators Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett

Revised for Substitute: Addressing firearm safety measures to increase public safety.

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

Senator Liias moved that the following striking amendment no. 989 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Firearms equipped with large capacity magazines increase casualties by allowing a shooter to keep firing for longer periods of time without reloading. Large capacity magazines have been used in all 10 of the deadliest mass shootings since 2009, and mass shooting events from 2009 to 2018 where the use of large capacity magazines caused twice as many deaths and 14 times as many injuries. Documentary evidence following gun rampages, including the 2014 shooting at Seattle Pacific University, reveals many instances where victims were able to escape or disarm the shooter during a pause to reload, and such opportunities are necessarily reduced when large capacity magazines are used. In addition, firearms equipped with large capacity magazines account for an estimated 22 to 36 percent of crime guns and up to 40 percent of crime guns used in serious violent crimes. Based on this evidence, and on studies showing that mass shooting fatalities declined during the 10-year period when the federal assault weapon and large capacity magazine ban was in effect, the legislature finds that restricting the sale, manufacture, and distribution of large capacity magazines is likely to reduce gun deaths and injuries. The legislature further finds that this is a well-calibrated policy based on evidence that magazine capacity limits do not interfere with responsible, lawful self-defense. The legislature further finds that the threats to public safety posed by large capacity magazines are heightened given current conditions. Our country is in the midst of a pandemic, economic recession, social tensions, and reckonings over racial justice. The years 2020 and 2021 have seen a sharp increase in gun sales and gun violence, as well as fears over gun violence and incidents of armed intimidation. In this volatile atmosphere, the legislature declares that it is time to enhance public health and safety by limiting the sale of large capacity magazines. The legislature intends to limit the prospective sale of large capacity magazines, while allowing existing legal owners to retain the large capacity magazines they currently own.

**Sec. 2.** RCW 9.41.010 and 2021 c 215 s 93 are each amended to read as follows:

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

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil

of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

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

(6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

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

(8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(12) "Gun" has the same meaning as firearm.

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

(14) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW

10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(15) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

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

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

(18) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(19) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(20) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication or construction of a firearm or large capacity magazine.

(21) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(22) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(23) "Pistol" means any firearm with a barrel less than ~~((sixteen))~~ 16 inches in length, or is designed to be held and fired by the use of a single hand.

(24) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(25) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(26) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(27) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

"Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(28) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ~~((ten))~~ 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age ~~((fourteen))~~ 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

(29) "Short-barreled rifle" means a rifle having one or more barrels less than ~~((sixteen))~~ 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than ~~((twenty-six))~~ 26 inches.

(30) "Short-barreled shotgun" means a shotgun having one or more barrels less than ~~((eighteen))~~ 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than ~~((twenty-six))~~ 26 inches.

(31) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(32) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(33) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(34) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(35) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federally licensed manufacturer or importer.

(36) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(37) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(38) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any large capacity magazine, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of a large capacity magazine by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(b) The importation, distribution, offer for sale, or sale of a large capacity magazine by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of a large capacity magazine to or by a dealer that is properly licensed under federal and state law where the dealer acquires the large capacity magazine from a person legally authorized to possess or transfer the large capacity magazine for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state.

(3) A person who violates this section is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.41 RCW to read as follows:

Distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine online is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 6.** This act takes effect July 1, 2022."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for

sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state; amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date."

## MOTION

Senator Fortunato moved that the following amendment no. 1036 by Senator Fortunato be adopted:

On page 1, line 5, after "with" strike "large" and insert "regular"  
On page 1, line 7, after "reloading." strike "Large" and insert "Regular"

On page 1, line 9, after "of" strike "large" and insert "regular"  
On page 1, line 14, after "when" strike "large" and insert "regular"

On page 1, at the beginning of line 16, strike "large" and insert "regular"

On page 1, line 20, after "and" strike "large" and insert "regular"

On page 1, line 22, after "of" strike "large" and insert "regular"

On page 1, at the beginning of line 27, strike "large" and insert "regular"

On page 2, line 1, after "of" strike "large" and insert "regular"

On page 2, line 3, after "of" strike "large" and insert "regular"

On page 2, line 4, after "the" strike "large" and insert "regular"

On page 4, line 37, after "or" strike "large" and insert "regular"

On page 4, at the beginning of line 39, strike "large" and insert "regular"

On page 7, line 16, after "(36) "" strike "Large" and insert "Regular"

On page 7, line 29, after "or" strike "large" and insert "regular"

On page 7, line 33, after "or" strike "large" and insert "regular"

On page 8, line 2, after "any" strike "large" and insert "regular"

On page 8, line 7, after "of a" strike "large" and insert "regular"

On page 8, at the beginning of line 13, strike "large" and insert "regular"

On page 8, line 18, after "of a" strike "large" and insert "regular"

On page 8, line 20, after "acquires the" strike "large" and insert "regular"

On page 8, line 21, after "the" strike "large" and insert "regular"

On page 8, at the beginning of line 23, strike "large" and insert "regular"

On page 8, line 30, after "of a" strike "large" and insert "regular"

On page 9, line 6, after "of" strike "large" and insert "regular"

## MOTION

Senator Fortunato moved that the following amendment no. 1001 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "30"  
 On page 7, line 23, after "than" strike "10" and insert "30"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1001 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1001 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1002 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "21"  
 On page 7, line 23, after "than" strike "10" and insert "21"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1002 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1002 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1035 by Senator Fortunato be adopted:

On page 7, line 17, after "than" strike "10" and insert "17"  
 On page 7, line 23, after "than" strike "10" and insert "17"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1035 by Senator Fortunato on page 7, line 17 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1035 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1003 by Senator Fortunato on page 7, line 17 to striking amendment no. 989 was withdrawn.

#### MOTION

Senator McCune moved that the following amendment no. 1000 by Senator McCune be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between family members."

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1000 by Senator McCune on page 7, line 34 to striking amendment no. 989.

The motion by Senator McCune did not carry and amendment no. 1000 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1004 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine holds a valid concealed pistol license under chapter 9.41 RCW."

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

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

The President declared the question before the Senate to be the adoption of amendment no. 1004 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1004 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1005 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine is a certified weapons training instructor or range safety officer."

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1005 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1005 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1006 by Senator Fortunato be adopted:

On page 7, line 34, after "state." insert "\"Distribute\" does not include transfers of large capacity magazines between individuals when one of the individuals transferring the large capacity magazine is employed as a private security guard or armed private investigator."

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

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

Senators Dhingra and Lias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1006 by Senator Fortunato on page 7, line 34 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1006 was not adopted by voice vote.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1007 by Senator Fortunato on page 7, line 34 to striking amendment no. 989 was withdrawn.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1008 by Senator Fortunato on page 7, line 34 to striking amendment no. 989 was withdrawn.

## MOTION

Senator Wagoner moved that the following amendment no. 1028 by Senator Wagoner be adopted:

On page 7, line 37, after "Washington." insert "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state."

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1028 by Senator Wagoner on page 7, line 37 to striking amendment no. 989.

The motion by Senator Wagoner carried and amendment no. 1028 was adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1009 by Senator Fortunato be adopted:

On page 8, line 1, after "may" insert "intentionally"

On page 8, line 25, after "section" insert "with criminal intent"

On page 8, line 30, after "online" insert "with criminal intent"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1009 by Senator Fortunato on page 8, line 1 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1009 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 999 by Senator Short be adopted:

On page 8, line 24, after "state" insert ";

(d) Shooting range and facility operators and firearms training instructors that make large capacity magazines available for temporary use by clients at a shooting range or facility"

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 999 by Senator Short on page 8, line 24 to striking amendment no. 989.

The motion by Senator Short did not carry and amendment no. 999 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1029 by Senator Wagoner be adopted:

On page 8, line 24, after "state" insert ";

(d) Members of the United States armed forces under permanent change of station orders to Washington state, who are exempt from the prohibition on importation of large capacity magazines for magazines that were in their possession prior to their arrival in Washington"

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

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

## MOTION

Senator Wagoner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 8, line 24 to striking amendment no. 989.

## ROLL CALL

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

Voting yea: Senators Braun, Brown, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Nobles, Padden, Randall, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, amendment no. 1030 by Senator Wagoner on page 8, line 24 to striking amendment no. 989 was withdrawn.

## MOTION

Senator Fortunato moved that the following amendment no. 1037 by Senator Fortunato be adopted:

On page 8, line 24, after "state" insert ";

(d) Any large capacity magazine in the inventory of a retail establishment as of the effective date of this section, which is exempt from the prohibition on distribution, sale, and offer for sale for one year after the effective date of this section. Inventory may be proven by purchase agreement, receipts, and photographic or video evidence of inventory"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1037 by Senator Fortunato on page 8, line 24 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1037 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1038 by Senator Fortunato be adopted:

On page 8, line 24, after "state" insert ";

(d) Any out-of-state resident holding a valid concealed pistol license from a state recognized by Washington, who is exempt from the prohibition on importing a large capacity magazine for 15 days after his or her arrival in Washington"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1038 by Senator Fortunato on page 8, line 24 to striking amendment no. 989.

The motion by Senator Fortunato did not carry and amendment no. 1038 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 998 by Senator Padden be adopted:

On page 8, beginning on line 27, strike all of section 4

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

On page 9, line 10, after "adding" strike "new sections" and insert "a new section"

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 998 by Senator Padden on page 8, line 27 to striking amendment no. 989.

The motion by Senator Padden did not carry and amendment no. 998 was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 989 by Senator Liias as amended to Substitute House Bill No. 2078.

The motion by Senator Liias carried and striking amendment no. 989 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Kuderer, Frockt and Trudeau spoke in favor of passage of the bill.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5078.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

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

Excused: Senator Rivers

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording her vote remotely, Senator Rivers was automatically recorded as excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5054, by Senators Padden, Frockt, Conway, McCune and Short

Concerning impaired driving.

The measure was read the second time.

#### MOTION

Senator Lovick moved that the following striking amendment no. 944 by Senator Lovick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, marijuana, or any drug under RCW 46.61.502(6)(a); or

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6)(a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the following issues:

- (i) Whether the offender suffers from a substance use disorder;
- (ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and
- (iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay \$30

per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

**Sec. 2.** RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal

street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

- (a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);
- (b) Cyberstalking, RCW 9.61.260(3)(a);
- (c) Harassment, RCW 9A.46.020(2)(b)(i);
- (d) Indecent exposure, RCW 9A.88.010(2)(c);
- (e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);
- (f) Telephone harassment, RCW 9.61.230(2)(a); and
- (g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

- (a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;
- (ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;
- (iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;
- (iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or
- (v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

- (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;
- (ii) A violation of RCW 9A.64.020;
- (iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;
- (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW,

RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of

intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

(62) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

**Sec. 3.** RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year,

THIRTY FIRST DAY, FEBRUARY 9, 2022

regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

**Sec. 4.** RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

- (i) Sexual misconduct with a minor second degree;
- (ii) Custodial sexual misconduct second degree;
- (iii) Communication with a minor for immoral purposes; and
- (iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ~~((o))~~ 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was

sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

**Sec. 5.** RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

~~((viii))~~ (viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((ix))~~ (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

~~((x))~~ (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

~~((xi))~~ (xi) RCW 9.94A.507, relating to certain sex offenses;

~~((xii))~~ (xii) RCW 9.94A.535, relating to exceptional sentences;

~~((xiii))~~ (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiv))~~ (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

~~((xv))~~ (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

**Sec. 6.** RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included

in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense.

All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW ((9A.44.130 or) 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW ((9A.44.130 or) 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of

a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

**Sec. 7.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to sixty days' confinement for each violation or by the department with up to thirty days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((d))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((e))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((f))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((g))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

**Sec. 8.** RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030(3) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

**Sec. 9.** RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;  
 (b) ~~((Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;~~

~~(c))~~ Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

~~((d))~~ (c) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

**Sec. 10.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

- (a) A sex offense not sentenced under RCW 9.94A.507; or  
 (b) A serious violent offense.
- (2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.
- (3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:
- (a) Any crime against persons under RCW 9.94A.411(2);  
 (b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;  
 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or  
 (d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.
- (4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:
- (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;  
(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;  
(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and  
(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.
- (5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.
- (6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.
- (7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.
- (8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.
- (9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.
- (10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.
- Sec. 11.** RCW 46.61.502 and 2017 c 335 s 1 are each amended to read as follows:
- (1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:
- (a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or  
 (b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or  
 (c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or  
 (d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~(ten)~~ 15 years as defined in RCW 46.61.5055; or

- (b) The person has ever previously been convicted of:
- (i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);  
 (ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);  
 (iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or  
 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

**Sec. 12.** RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

(i) By imprisonment for not less than twenty-four consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-eight consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either one hundred eighty days of

electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring.

The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ~~(ten)~~ 15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ~~(ten)~~ 15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of sixteen were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the

person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar

punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

THIRTY FIRST DAY, FEBRUARY 9, 2022

2022 REGULAR SESSION

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ~~((ten))~~ 15 years" means that the arrest for a prior offense occurred within ~~((ten))~~ 15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 13.** RCW 46.61.504 and 2017 c 335 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a

sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

**NEW SECTION. Sec. 14.** Sections 1 through 11 of this act take effect July 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 46.61.502, 46.61.5055, and 46.61.504; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date."

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

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 944 by Senator Lovick to Senate Bill No. 5054.

The motion by Senator Lovick carried and striking amendment no. 944 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5054.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Rivers

ENGROSSED SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:51 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Thursday, February 10, 2022.

KAREN KEISER, President Pro Tempore of the Senate

SARAH BANNISTER, Secretary of the Senate

**THIRTY SECOND DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Thursday, February 10, 2022

February 9, 2022

The Senate was called to order at 10:00 o'clock a.m. by the Vice President Pro Tempore, Senator Lovick presiding. The Secretary called the roll and announced to the Vice President Pro Tempore that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Mia Todd, student at Lake Washington High School, Kirkland led the Senate in the Pledge of Allegiance. Miss Todd was a guest of Senator Dhingra.

The prayer was virtually offered by Bhai Devinder Singh of the Gurudwara Singh Sabha of Washington, Renton.

**MOTIONS**

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Transportation was granted special leave to continue to meet during the day's floor session.

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

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

**MESSAGES FROM THE HOUSE**

February 9, 2022

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1173,
- SUBSTITUTE HOUSE BILL NO. 1286,
- HOUSE BILL NO. 1611,
- HOUSE BILL NO. 1612,
- HOUSE BILL NO. 1613,
- SUBSTITUTE HOUSE BILL NO. 1620,
- HOUSE BILL NO. 1625,
- SUBSTITUTE HOUSE BILL NO. 1644,
- SUBSTITUTE HOUSE BILL NO. 1655,
- HOUSE BILL NO. 1669,
- SUBSTITUTE HOUSE BILL NO. 1703,
- HOUSE BILL NO. 1739,
- HOUSE BILL NO. 1748,
- SUBSTITUTE HOUSE BILL NO. 1779,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795,
- HOUSE BILL NO. 1832,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,
- HOUSE BILL NO. 1934,
- SUBSTITUTE HOUSE BILL NO. 1941,
- HOUSE BILL NO. 1953,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
- SUBSTITUTE HOUSE BILL NO. 1958,
- HOUSE BILL NO. 2033,
- SUBSTITUTE HOUSE BILL NO. 2034,
- SUBSTITUTE HOUSE BILL NO. 2051,
- HOUSE BILL NO. 2061,
- HOUSE BILL NO. 2098,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

E2SHB 1153 by House Committee on Appropriations  
(originally sponsored by Orwall, Gregerson, Davis,  
Hackney, Macri, Callan, Pollet, Ramos, Bergquist,  
Thai, Johnson, J., Simmons and Valdez)

AN ACT Relating to language access in public schools;  
adding a new section to chapter 28A.710 RCW; adding a  
new section to chapter 72.40 RCW; adding a new chapter to  
Title 28A RCW; creating new sections; and repealing RCW  
28A.155.230.

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

2SHB 1173 by House Committee on Capital Budget  
(originally sponsored by Berry, Frame, Dolan and  
Lekanoff)

AN ACT Relating to state lands development authorities;  
and adding a new chapter to Title 43 RCW.

Referred to Committee on Business, Financial Services &  
Trade.

SHB 1593 by House Committee on Housing, Human  
Services & Veterans (originally sponsored by Leavitt,  
Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie,  
Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr,  
Ramel, Eslick, Graham, Valdez, Gregerson, Bateman,  
Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule,  
Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet,  
Griffey, Dolan, Ormsby, Chambers, Young, Hackney  
and Frame)

AN ACT Relating to expanding the landlord mitigation  
program to alleviate the financial burden on victims  
attempting to flee domestic violence, sexual assault,  
unlawful harassment, or stalking; amending RCW  
43.31.605, 59.18.280, 59.18.575, 59.18.575, and 43.31.615;  
creating a new section; providing an effective date; and  
providing an expiration date.

Referred to Committee on Housing & Local Government.

ESHB 1689 by House Committee on Health Care &  
Wellness (originally sponsored by Walen, Harris,  
Leavitt, Graham, Duerr, Davis, Slatter and Tharinger)

AN ACT Relating to exempting biomarker testing from prior authorization for patients with late stage cancer; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

ESHB 1699 by House Committee on Appropriations (originally sponsored by Bergquist, Volz, Ryu, Leavitt, Chase, Robertson, Graham, Springer, Sells, Valdez, Dolan, Paul, Callan, Gilday, Goodman, Taylor, Macri, Ramos, Santos, Pollet, Griffey, Riccelli, Frame and Kloba)

AN ACT Relating to permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025; amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; repealing RCW 41.35.065 and 41.32.068; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1701 by House Committee on Appropriations (originally sponsored by Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby)

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1703 by House Committee on Appropriations (originally sponsored by Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame)

AN ACT Relating to the modernization of the statewide 911 emergency communications system; amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530.

Referred to Committee on State Government & Elections.

SHB 1759 by House Committee on Education (originally sponsored by Callan, Harris, Berry, Davis, Ramos, Santos, Senn, Sullivan, Valdez, Pollet, Peterson, Goodman, Macri and Dolan)

AN ACT Relating to requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources; adding a new section to chapter 28A.320 RCW; adding a new section to chapter

28A.310 RCW; adding a new section to chapter 70.54 RCW; and creating a new section.

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

HB 1785 by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

AN ACT Relating to the minimum monthly salary paid to Washington state patrol troopers and sergeants; and amending RCW 43.43.380.

Referred to Committee on Transportation.

SHB 1794 by House Committee on Labor & Workplace Standards (originally sponsored by Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young)

AN ACT Relating to requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment; and amending RCW 49.48.010.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1795 by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame)

AN ACT Relating to prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault; adding a new section to chapter 49.44 RCW; creating new sections; repealing RCW 49.44.210; and prescribing penalties.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1821 by House Committee on Health Care & Wellness (originally sponsored by Schmick, Riccelli, Cody and Graham)

AN ACT Relating to the definition of established relationship for purposes of audio-only telemedicine; amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1825 by Representatives Dye, Orwall and Graham

AN ACT Relating to continuity of judicial operations in single judge courts; amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW.

Referred to Committee on Law & Justice.

HB 1832 by Representatives Springer, Vick, Walen and Goehner

AN ACT Relating to code city form of government elections and city manager appointment; and amending RCW 35A.06.040 and 35A.13.050.

Referred to Committee on Housing & Local Government.

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

SHB 1867 by House Committee on Education (originally sponsored by Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier)  
AN ACT Relating to dual credit program data; amending RCW 28A.600.280, 28A.175.145, 28A.300.560, 28A.320.196, 28A.700.030, and 28C.18.162; and reenacting and amending RCW 28A.600.160.

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

ESHB 1881 by House Committee on Health Care & Wellness (originally sponsored by Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet)  
AN ACT Relating to creating a new health profession for birth doulas; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 1888 by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young  
AN ACT Relating to allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels; and amending RCW 82.08.0206.

Referred to Committee on Ways & Means.

SHB 1901 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Davis, Taylor and Kloba)  
AN ACT Relating to updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050, 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230; creating a new section; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1907 by Representatives Steele and Jacobsen  
AN ACT Relating to scholarship displacement in postsecondary institutions' gift equity packaging policies; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1920 by Representatives Wicks and Lekanoff  
AN ACT Relating to investigations of child abuse or neglect at residential facilities; amending RCW 26.44.210; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1927 by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey  
AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1934 by Representatives Fey, Robertson and Taylor  
AN ACT Relating to the participation of tribal governments in exchange agreements; and amending RCW 47.12.370.

Referred to Committee on Transportation.

SHB 1955 by House Committee on Education (originally sponsored by Rule, Ramel, Ormsby and Taylor)  
AN ACT Relating to creating uniformity in education requirements for students who are the subject of a dependency proceeding; amending RCW 28A.150.510, 28A.225.023, 28A.225.330, 28A.225.350, 28A.320.148, 28A.320.192, 28B.117.020, 74.13.550, and 74.13.631; and reenacting and amending RCW 74.13.560.

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

EHB 1973 by Representatives Rude, Dolan, Eslick, Sutherland and Gilday  
AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

Referred to Committee on State Government & Elections.

HB 2033 by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli  
AN ACT Relating to safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones; amending RCW 46.37.184 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

SHB 2046 by House Committee on State Government & Tribal Relations (originally sponsored by Stonier, Abbarno and Senn)  
AN ACT Relating to ethics in public service rules governing certain legislative activity; and amending RCW 42.52.070, 42.52.160, 42.52.180, and 42.52.185.

Referred to Committee on State Government & Elections.

SHB 2051 by House Committee on Appropriations  
(originally sponsored by Rule, Shewmake, Ormsby and Ramel)

AN ACT Relating to providing short-term disaster recovery financial assistance to agricultural producers; adding a new section to chapter 89.08 RCW; creating a new section; and declaring an emergency.

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

SHB 2057 by House Committee on Transportation  
(originally sponsored by Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet)

AN ACT Relating to strengthening diversity, equity, and inclusion in the state patrol workforce; adding a new section to chapter 43.06D RCW; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Transportation.

#### MOTIONS

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

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

#### MOTION

Senator Das moved adoption of the following resolution:

#### SENATE RESOLUTION 8644

By Senators Das and Dhingra

WHEREAS, Sikhism is a religion founded in the Punjab region of South Asia over five centuries ago and introduced to the United States in the 19th century; and

WHEREAS, Sikhism is the fifth world religion with over 25,000,000 adherents from largest diverse backgrounds throughout the world, including an estimated 700,000 adherents in the United States; and

WHEREAS, Sikhs in the United States pursue diverse professions and walks of life, making rich contributions to the economic vibrancy of the United States; and

WHEREAS, Washington prides itself on being a state where people of all faiths and cultures are welcomed and respected; and

WHEREAS, Sikh organizations named here and many more supported Washingtonians with food and basic staples during the COVID-19 pandemic: United Sikhs; Degh Tegh Community Kitchen; Sikh SOCH; Sevadars; Chardi Kala Project; SOCH.Center; Ekta Together; and many more;

NOW, THEREFORE, BE IT RESOLVED, That the Senate wish our Sikh American community a very joyous year.

Senators Das, Dhingra, Sefzik, and Trudeau spoke in favor of adoption of the resolution.

#### POINT OF ORDER

Senator Short: "Thank you Mr. President. I think we should be careful not to, not to cast aspersions. I would appreciate your thoughts on that. Thank you."

#### REMARKS BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Lovick: "The President would ask the members to speak to the resolution. Please proceed."

Senator Trudeau spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

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

#### MOTION

At 10:23 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:37 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Nobles moved that Radhika S. Krishna, Senate Gubernatorial Appointment No. 9346, be confirmed as a member of The Evergreen State College Board of Trustees.

Senator Nobles spoke in favor of the motion.

#### APPOINTMENT OF RADHIKA S. KRISHNA

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Radhika S. Krishna, Senate Gubernatorial Appointment No. 9346, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Radhika S. Krishna, Senate Gubernatorial Appointment No. 9346, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Radhika S. Krishna, Senate Gubernatorial Appointment No. 9346, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

## MOTION

Senator Lias moved that Timothy J. Farrell, Senate Gubernatorial Appointment No. 9296, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Lias spoke in favor of the motion.

## APPOINTMENT OF TIMOTHY J. FARRELL

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Timothy J. Farrell, Senate Gubernatorial Appointment No. 9296, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Timothy J. Farrell, Senate Gubernatorial Appointment No. 9296, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Timothy J. Farrell, Senate Gubernatorial Appointment No. 9296, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5895, by Senators Frockt and Mullet

Concerning timing restrictions for remedial action grants to local government.

The measure was read the second time.

## MOTION

Senator Short moved that the following amendment no. 1071 by Senator Short be adopted:

On page 1, line 7, after "cleanup;" strike "and"

On page 1, line 10, after "projects" insert "; and"

(3) Private developers and other private sector organizations are valued partners in the effort to clean up contaminated sites. As with local governments, requiring a private sector applicant to have all the necessary permits in hand before funding a project that carries out the purposes of this chapter causes unintended delays"

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

"(7) If the department provides funding under this section to a private sector applicant for a remedial action, the applicant may receive the funding before all of the required permits for the applicant's proposed action have been obtained."

Senator Short spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1071 by Senator Short on page 1, line 7 to Senate Bill No. 5895.

The motion by Senator Short did not carry and amendment no. 1071 was not adopted by voice vote.

## MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Short spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5895.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5747, by Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.

Concerning the statewide master oil and hazardous substance spill prevention and contingency plan.

The measure was read the second time.

## MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 5747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Short and Lovelett spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5747.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Seftik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5082, by Senate Committee on Ways & Means (originally sponsored by Fortunato, Hunt and Kuderer)

Reestablishing the productivity board.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Fortunato, the rules were suspended and Substitute Senate Bill No. 5082 was returned to second reading for the purposes of amendment.

#### MOTION

Senator Hunt moved that the following striking amendment no. 987 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 41.60.015 and 2011 1st sp.s. c 43 s 443 and 2011 1st sp.s. c 21 s 30 are each reenacted and amended to read as follows:

(1) ~~((There))~~ Subject to the availability of amounts appropriated for this specific purpose, there is hereby created the productivity board, which may also be known as the employee involvement and recognition board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of financial management or the director's designee;

(c) The director of enterprise services or the director's designee;

(d) Three persons with experience in administering incentives such as those used by industry, with the lieutenant governor, secretary of state, and speaker of the house of representatives each appointing one person by July 31, 2022. The secretary of state's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees; and

(e) Two persons representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both appointed by the secretary of state by July 31, 2022.

Members under subsection (2)(d) and (e) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)(d) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

**Sec. 16.** RCW 41.60.020 and 1999 c 50 s 3 are each amended to read as follows:

(1) The board shall formulate, establish, and maintain a statewide employee suggestion program and adopt rules to allow for agency unique suggestion programs. Employee suggestion programs are developed to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: **PROVIDED**, That the program shall include provisions for the processing of suggestions having multiagency impact and post-implementation auditing of suggestions for fiscal accountability.

(2) The board shall adopt rules necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter. These rules shall include the adoption of a payment award schedule that establishes the criteria for determining the amounts of any financial or other awards under this chapter.

(3) The board shall prepare a topical list of all the productivity awards granted and disseminate this information to the legislature and all state government agencies that may be able to adapt them to their procedures.

**Sec. 17.** RCW 41.60.041 and 1999 c 50 s 5 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings, revenue, or both to the state shall be determined by the board, or the board's designee, based on the payment award scale. No award may be granted in excess of ten thousand dollars or 10 percent of the actual net savings and/or revenue generated, whichever amount is less. Savings, revenue, or both, shall be calculated for the first year of implementation.

(2) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated.

(3) Funds for the awards shall be drawn from the appropriation of the agency benefiting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefiting fund or account without appropriation.

(4) Awards may be paid to state employees for suggestions which generate new or additional money for the general fund or any other funds of the state. The director of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund, in amounts equal to award payments made by the general fund, for suggestions generating new or additional money for those other funds.

**Sec. 18.** RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. ~~((However, during the 2015-2017, 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the operations of the productivity board shall be suspended.))~~

**Sec. 19.** RCW 41.60.120 and 1999 c 50 s 9 are each amended to read as follows:

The agency head may recommend an award amount to the board. Cash awards for suggestion teams shall be up to 25 percent of the actual net savings and/or revenue generated to be shared by the team in a manner approved by the agency head, not to exceed \$10,000 per team member. The board shall make the final

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

determination as to whether an award will be made in accordance with applicable rules governing the teamwork incentive program. Awards will be based on the payment award scale. Funds for the teamwork incentive award shall be drawn from the agencies in which the unit is located or from the benefiting fund or account without appropriation when additional revenue is generated to the fund or account.

Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund in amounts equal to award payments made by the general fund, for innovations generating new or additional money for those other funds.

**Sec. 20.** RCW 41.60.150 and 2011 1st sp.s. c 39 s 9 are each amended to read as follows:

Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementors. Recognition awards may not exceed two hundred dollars in value per award. Such awards may include, but not be limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators. Award costs shall be paid by the agency giving the award. ~~((From February 15, 2010, through June 30, 2013, recognition awards may not be given in the form of cash or cash equivalents such as gift certificates or gift cards.))~~"

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 987 by Senator Hunt to Substitute Senate Bill No. 5082.

The motion by Senator Hunt carried and striking amendment no. 987 was adopted by voice vote.

## MOTION

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

Senators Fortunato, Hunt and Wagoner spoke in favor of passage of the bill.

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

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett,

Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Frockt and Keiser

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

## MOTION

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

## SECOND READING

SENATE BILL NO. 5619, by Senators Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.

Conserving and restoring kelp forests and eelgrass meadows in Washington state.

## MOTIONS

On motion of Senator Lovelett, Second Substitute Senate Bill No. 5619 was substituted for Senate Bill No. 5619 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 5619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Warnick and Wagoner spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5619.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5619 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5803, by Senators Rolfes, Dhingra, Frockt and Nobles

Establishing a presumption of liability for wildfires caused by an electric utility's equipment.

#### MOTION

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5803 was substituted for Senate Bill No. 5803 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5803, by Senate Ways & Means (originally sponsored by Senators Rolfes, Dhingra, Frockt, and Nobles)

Revised for Second Substitute: Mitigating the risk of wildfires caused by an electric utility's equipment.

#### MOTION

Senator Rolfes moved that the following amendment no. 1073 by Senator Rolfes be adopted:

On page 3, line 30, after "elements." insert "In reviewing the plan, the commission must consult with the department of natural resources and the energy emergency management office of the department of commerce. The commission's review of an electrical company's wildfire mitigation plan does not relieve an electrical company from proactively managing wildfire risk, including by monitoring emerging practices and technologies, and mitigating and responding to wildfires. The commission is not liable for an electrical company's performance implementing its wildfire mitigation plan. An electrical company may pursue recovery of costs and investments associated with a wildfire mitigation plan through a proceeding to set rates at the commission. Nothing in this section or sections 2, 4, and 6 of this act may be construed to preclude electrical companies from continuing to develop and implement wildfire mitigation measures."

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

The President declared the question before the Senate to be the adoption of amendment no. 1073 by Senator Rolfes on page 3, line 30 to Second Substitute Senate Bill No. 5803.

The motion by Senator Rolfes carried and amendment no. 1073 was adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Sheldon spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Sheldon: "I wonder if Senator Rolfes would yield to a question?"

Vice President Lovick: "Will Senator Rolfes yield to a question?"

Senator Rolfes: "Yeah, sure."

Senator Sheldon: "Thank you Senator Rolfes. I am wondering in the final substitute that was just approved, the consumer-owned utilities, the PUDs, when they develop their plan, is it submitted to what agency? To what entity?"

Senator Rolfes: "It is a . . . , they will be following a format that the state will be requiring, so they will be required to meet certain elements, or address certain elements. The board of the PUD, for example, the investor-owned utilities – no, the consumer owned utilities, the board will approve the plan and the plan will be submitted to the Department of Natural Resources to be posted on its website. The Department of Commerce has an energy, emergency energy office and they'll be reviewing the plans to make sure that they have all the elements, and they can submit comments to the elected officials of the PUDs. But it's the PUD board that will be responsible for what's in the plan."

Senator Sheldon: "Thank you Senator Rolfes, that is very enlightening, and I certainly appreciate all the hard work you have done to pull all the parties together on this bill."

Senators Short, Honeyford and Hawkins spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5803.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5961, by Senators Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege

Incentivizing the use of biochar in government contracts.

#### MOTIONS

On motion of Senator Sefzik, Substitute Senate Bill No. 5961 was substituted for Senate Bill No. 5961 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5961, By Senate Agriculture, Water, Natural Resources & Parks (originally

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

sponsored by Senators Sefzik, Warnick, Honeyford, Rolfes, Short, and Van De Wege)

Revised for First Substitute: Incentivizing the use of biochar.

On motion of Senator Sefzik, the rules were suspended, Substitute Senate Bill No. 5961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sefzik, Wellman, Liias, Fortunato, Mullet, Hawkins, Warnick, Honeyford, Carlyle, Hunt, Muzzall and Rolfes spoke in favor of passage of the bill.

Senators Wagoner and Lovelett spoke on passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5961.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5961 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Keiser: "In tradition, I've been around for a while too. Often, after the first bill is presented by a new member, everyone votes 'no'. You were so kind to vote 'aye'. Consider that."

#### PERSONAL PRIVILEGE

Senator Sefzik: "Thank you Mr. President. First of all, I know that I do not have any seasoning salt, and I can't cook anyway so you wouldn't want that. And I don't have any chocolates or rocks or any kids that would be able to decorate my rocks, but I am still feeling out some ideas and I think that, I definitely don't, have the budget for any wine, but we'll find something that will hopefully make everybody slightly content. You know, the Lieutenant Governor told me on the first or second day that I was here, some advice that he gave me that he had received from somebody older than him. And that advice was: 'You have a very important job. And you are not a very important person.' And I think there's a lot of wisdom, I've probably thought about that quote every single day because this is a grand place but I am not a grand person. This is a special opportunity that we have but there is nothing really that special about me. And I'm not a veteran, I'm not a firefighter, I'm not a lawyer. I know those things. I don't have a family and I don't know where any of you were when you were twenty-two years old. I can tell you that when I thought about being twenty-two years old, I certainly didn't think that I would be here. But the thought that I've just had over the month, a little more than a

month that I've been here, is that my guess is when all of you were twenty-two years old, you all had certain hopes and dreams. You had certain aspirations and certain visions for what you thought your future would be. And I think we all share that in common. And maybe like me, when you were twenty-two years old, you felt frustrated. Whether it was frustration at your college roommate or whether it was frustration at something larger. Maybe for me right now, it has been a sort of frustration at what feels like such division in our current state of politics. But even being here in the past few weeks has reminded me, even being here last night for those debates, was a reminder that though we disagree, and though we disagree vehemently at times, there are still those points that unite us. And at the end of the day, we look at the same mountains here in Washington. We swim and enjoy the same rivers and the same lakes. We drive on the same roads, and we have the same goals in mind. I am young. I don't have the same amount of life experience that I think anybody in this room has, certainly, in some ways. But I do try to be a student of history, maybe I make up for it by quoting the founding fathers at times. And I don't have a George Washington quote, but I sincerely do believe that a part of being conservative is to conserve those traditions which are worthwhile. And as I think about our history, as I think about the history of young people in our country, I'm reminded of the story of Martin Treptow who was a soldier who came from a small town in the Midwest who died trying to carry a message between battalions in the first world war. They found his body, and, in his backpack, they found a little journal that had a little title that said, 'My Pledge'. And on that pledge, young Martin Treptow at the age of twenty-four years old had written that 'America must win this war. Therefore, I will work, I will save, I will sacrifice, and I will do my utmost as if the issue of the whole struggle depended on me alone.' Mr. President, there is so much to work for, to strive for, and I am honored to be here. And my pledge is in some ways that same mission, which is to work every day for the people of the Forty-second District, for the people of Washington, to do my utmost towards a brighter and better future. And that is something that whether I am a founding father, whether I am gray and gray haired, or whether I am young, I think is something we can all get behind and support. And so, I am so honored to be with all of you. I want to thank each one of you for how kind and cordial you have all been to me, Mr. President. And I apologize, I am still getting the hang of all this procedure on some of these issues but thank you all so much for being so kind to me as I learn the ropes here. So, thank you."

#### PERSONAL PRIVILEGE

Senator Wellman: "Thank you Mr. President. I jumped on board when we had finished speaking because I thought perhaps, I could share with Senator Sefzik what I was told since he hadn't been advised of the gift, what I was told when I was first elected by the Senator that I was replacing and he came to me and he said 'Lisa, don't be cheap.' However, I will tell you that I do think that after hearing that lovely and moving speech that the new Senator has just given that I don't want to interrupt the thoughts that he expressed and his pledge for his participation in these proceedings which we value very much and to thank him for joining us and wishing him the best."

#### PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, I rise simply to welcome Senator Sefzik to the Senate. I didn't have anything to say about biochar so I thought I would wait until after. But as you've heard several times now since we started session, he is a

talented and eloquent speaker. He has been very eager to listen, to learn, and to really think about the issues in front of him. He offers us a connection with younger citizens in the state of Washington I believe will make our institution stronger and better and better serve the state of, better serve Washington state. So, with that I would simply like to very much welcome Senator Sefzik to the Senate. I look forward to serving with him as we do the peoples' work here in Olympia."

#### PERSONAL PRIVILEGE

Senator Pedersen: "Well thank you Mr. President. On behalf of the gentleman from the Twenty-fifth District and myself, I want to express the disappointment of all the citizens of Puyallup that their long, long record of having sent the youngest senator to this Chamber has been upset. Calvin Goings was twenty-two years, eight months and seventeen days old at the time of his appointment when Senator Marcus Gaspard left this chamber. Senator Sefzik, by my calculations, twenty-two years, zero months, and twenty-one days. So, congratulations and welcome."

#### PERSONAL PRIVILEGE

Senator Fortunato: "Thank you Mr. President. You know Senator Sefzik was talking about where he was when he was twenty-two years old. When I was twenty-two years old, I had my first landscape construction company. People took me seriously. I went out on a job, people made decisions. Was 20, 30, 40 thousand dollars in 1976 that is like 100, 130 thousand dollars now. And they made those decisions because I had a beard, and they took me seriously. So, my advice to Senator Sefzik: grow a beard and people will take you seriously."

#### SECOND READING

SENATE BILL NO. 5847, by Senators Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.

Providing information to public service employees about the public service loan forgiveness program.

#### MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5847 was substituted for Senate Bill No. 5847 and the substitute bill was placed on the second reading and read the second time.

Senator Liias moved that the following striking amendment no. 1044 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that our country faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on

their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan forgiveness program as set forth in 34 C.F.R. Sec. 685.219.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

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

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall:  
(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in section 1 of this act.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in section 4 of this act may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.04 RCW to read as follows:

(1) As soon as available, a state agency shall provide the materials described in section 2 of this act in written or electronic form to:

(a) All employees annually;

(b) Newly hired employees within 30 days of the employee's first day of employment.

(2) A state agency must certify employment for the purposes of the public service loan forgiveness program in accordance with the program established in section 3 of this act by July 1, 2023.

(a) If a state agency does not directly certify employment with the United States department of education, the state agency must annually provide notice of renewal and a copy of the public service loan forgiveness form with employer information and employment certification sections of the form already completed reflecting at least the last 12 months of employment to:

(i) An employee who requests a public service loan forgiveness form;

(ii) Any current employee for whom the state agency has previously certified employment, unless the employee has opted out; and

(iii) An employee who has separated from service or employment, unless the employee has opted out.

(b) A state agency shall not unreasonably delay in certifying employment.

(c) A state agency must seek permission from its employees prior to certifying their employment.

(d) Institutions of higher education must use the calculation established in section 5 of this act to determine whether a part-time academic employee is considered full time for the public service loan forgiveness program.

(e) A state agency may send the information necessary for public service loan forgiveness employment certification to the United States department of education, or its agents, if the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly, notwithstanding other provisions of law.

(f) The office of financial management is authorized to adopt rules for the purpose of this section.

(3) An employee of a state agency may opt out of the employment certification process established in section 3 of this act at any time.

(4) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form.

(b) "Full time" has the same meaning as set forth in 34 C.F.R. Sec. 685.219.

(c) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(d) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(e) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.04 RCW to read as follows:

For the purpose of determining whether a part-time academic employee at an institution of higher education is considered full time for certifying employment for the public service loan forgiveness program, duties performed in support of, or in addition to, contractually assigned in-class teaching hours must be included. To calculate this, each hour of in-class teaching time shall be multiplied by 3.35 hours. This section shall not supersede any calculation or adjustment established by a collective

bargaining agreement or employer policy for additional work done outside of in-class teaching. An institution of higher education shall not treat any adjusted total hours worked differently from hours worked without an adjustment when determining whether an employee is full time. "Institution of higher education" has the same meaning as "institutions of higher education" in RCW 28B.10.016.

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28B.77 RCW; adding a new section to chapter 43.41 RCW; adding new sections to chapter 41.04 RCW; creating a new section; and declaring an emergency."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 1044 by Senator Liias to Substitute Senate Bill No. 5847.

The motion by Senator Liias carried and striking amendment no. 1044 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Holy spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5847.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5847 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Honeyford, McCune, Padden, Rivers, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### POINT OF ORDER

Senator Sheldon: "Thank you Mr. President. This point is no reflection on anyone who has spoken on the floor today or virtually. But I have noticed over the last few weeks that members will speak, will make a floor speech that is apparently being read from a document. And I think we all know that we have to ask you Mr. President for permission to briefly read from a document. But Mr. President I know in this virtual world things are

changing, but am I correct that a member may not read a floor speech?"

#### RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore: "Senator Sheldon, your point is duly noted. Thank you."

#### SECOND READING

SENATE BILL NO. 5855, by Senators Lovelett, Nobles, Wilson, C., Billig, Das, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Nguyen, Randall, Saldaña, Stanford and Trudeau

Concerning the use of campaign funds to reimburse expenses for child care and other caregiving services.

The measure was read the second time.

#### MOTION

On motion of Senator Lovelett, the rules were suspended, Senate Bill No. 5855 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Nobles, Nguyen, Sheldon and Schoesler spoke in favor of passage of the bill.

Senators Padden and Wilson, J. spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5855.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5855 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Mullet, Padden and Wilson, J.

SENATE BILL NO. 5855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Senator Lovick, the day that you were welcomed to the Senate, I showed my lack of technical ability and was not able to welcome you to the Senate. And so, I wanted to do that, I had two little quick references. I was over in the other body when you were there, I was before the Transportation Committee, and I was presenting a bill that had passed the Senate in regard to tinting of windows. And my premise was that it was to protect our police officers and as I went through and was finishing up my presentation, I was getting some questions which kind of thought that my chances of getting this bill out of the House was going to be pretty slim. And I remember that you came to my rescue and supported the bill, and it did pass.

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

And then lastly, the first week of the Senate, of the session, on Wednesday I tested positive, I guess for Covid, so I was quarantined. And you were kind enough to call me the next day to ask how I was doing. Those are two things that I have been very impressed by. I can't thank you enough, and welcome to the Senate. You are doing a great job as you go forth leading us today on the floor. Thank you Senator Lovick."

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore: "Thank you for your kind words."

SECOND READING

SENATE BILL NO. 5597, by Senators Saldaña, Hunt, Conway, Das, Dhingra, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Stanford and Wilson, C.

Concerning the Washington voting rights act.

MOTION

On motion of Senator Saldaña, Second Substitute Senate Bill No. 5597 was substituted for Senate Bill No. 5597 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following amendment no. 1074 by Senator Warnick be adopted:

On page 3, after line 11, insert the following:

"**Sec. 3.** RCW 29A.92.050 and 2021 c 173 s 4 are each amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of

November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(f) District boundaries may not be drawn or maintained in a manner that favors or disfavors any racial group or political party.

(g) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than November 15th of each year ending in one, the governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter."

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

On page 4, line 38, after "classes" insert ". The court may not approve a remedy that favors or disfavors any racial group or political party."

On page 17, line 10, after "sections" strike all material through "14" and insert "1 through 5, 7 through 10, and 15"

On page 1, line 2 of the title, after "29A.92.030," insert "29A.92.050,"

Senators Warnick and Wagoner spoke in favor of adoption of the amendment.

Senators Hunt and Saldaña spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1074 by Senator Warnick on page 3, after line 11 to Second Substitute Senate Bill No. 5597.

The motion by Senator Warnick did not carry and amendment no. 1074 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following amendment no. 1079 by Senator Wilson, J. be adopted:

Beginning on page 6, line 27, strike all of subsection (5) Correct any internal references accordingly.

On page 8, beginning on line 4, strike all of subsection (4)  
Correct any internal references accordingly.

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

Senator Hunt spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1079 by Senator Wilson, J. on page 6, line 27 to Second Substitute Senate Bill No. 5597.

The motion by Senator Wilson, J. did not carry and amendment no. 1079 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 1077 by Senator Padden be adopted:

On page 8, beginning on line 20, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 29A.92.130 and 2018 c 113 s 405 are each amended to read as follows:

~~((4))~~ In any action to enforce this chapter, the court may allow the prevailing ~~((plaintiff or plaintiffs, other than the state or political subdivision thereof,))~~ party or parties reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No fees or costs may be awarded if no action is filed.

~~((2) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.))"~~

Correct any internal references accordingly.

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

Senator Hunt spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1077 by Senator Padden on page 8, line 20 to Second Substitute Senate Bill No. 5597.

The motion by Senator Padden did not carry and amendment no. 1077 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following amendment no. 1070 by Senator Braun be adopted:

On page 9, beginning on line 7, after "(i)" strike all material through "class" on line 31 and insert "A political subdivision which, within the previous 25 years, has become subject to at least one court order or government enforcement action based upon a finding of any violation of this chapter, the federal voting rights act, the Fifteenth Amendment to the United States Constitution, or a voting-related violation of the Fourteenth Amendment to the United States Constitution, unless the political subdivision initiated the court action or entered into a consent decree or partial consent decree; or

(ii) A political subdivision which, within the previous five years, has failed to comply with its obligations to provide data or information to the repository, as stated in section 10 of this act"

Senator Braun spoke in favor of adoption of the amendment.

Senators Hunt and Saldaña spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1070 by Senator Braun on page 9, line 7 to Second Substitute Senate Bill No. 5597.

The motion by Senator Braun did not carry and amendment no. 1070 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following amendment no. 1081 by Senator Mullet be adopted:

On page 12, after line 18, insert the following:  
"(8) This section expires June 30, 2029."

Senators Mullet, Hunt and Wilson, J. spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1081 by Senator Mullet on page 12, after line 18 to Second Substitute Senate Bill No. 5597.

The motion by Senator Mullet carried and amendment no. 1081 was adopted by voice vote.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Hunt spoke in favor of passage of the bill.

Senators Wilson, J. and Padden spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5544, by Senators Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.

Establishing the Washington blockchain work group.

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

## MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5544 was substituted for Senate Bill No. 5544 and the substitute bill was placed on the second reading and read the second time.

Senator Brown moved that the following amendment no. 988 by Senator Brown be adopted:

On page 1, beginning on line 18, after "(c)" strike all material through "(d)" on line 20

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

On page 3, at the beginning of line 17, strike "office of the lieutenant governor" and insert "department of commerce"

Senators Brown and Carlyle spoke in favor of adoption of the amendment.

## MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 988 by Senator Brown on page 1, line 18 to Substitute Senate Bill No. 5544.

The motion by Senator Brown carried and amendment no. 988 was adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1045 by Senator Short be adopted:

On page 2, line 26, after "(q)" insert "An individual representing a federally recognized tribe located in Washington; (r)"

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

On page 2, line 32, after "through" strike "(s)" and insert "(t)"

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1045 by Senator Short on page 2, line 26 to Substitute Senate Bill No. 5544.

The motion by Senator Short carried and amendment no. 1045 was adopted by voice vote.

## MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Carlyle and Mullet spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5544.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5713, by Senators Das, Liias, Nobles, Robinson, Saldaña and Wellman

Providing a property tax exemption for limited equity cooperative housing.

The measure was read the second time.

## MOTION

On motion of Senator Das, the rules were suspended, Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5713.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Honeyford, King, Schoesler, Short and Wilson, L.

Excused: Senator Van De Wege

SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5819, by Senators Braun, Brown, Conway, Dozier, Frockt, Keiser, Randall, Rivers, Saldaña, Short, Trudeau, Warnick and Wilson, L.

Concerning the developmental disabilities administration's no-paid services caseload.

#### MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5819 was substituted for Senate Bill No. 5819 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5819.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5793, by Senators Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña

Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar groups.

#### MOTION

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5793, by Senate Ways & Means (originally sponsored by Senators C. Wilson, Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles, and Saldaña; by request of Attorney General)

Revised for Second Substitute: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1068 by Senator Wilson, J. be adopted:

Beginning on page 6, line 22, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 43.03 RCW to read as follows:

(1) An agency exercising its authority to provide stipends under RCW 43.03.220(2) must report to the Washington state office of equity not later than August 30, 2023, and annually thereafter, as follows:

(a) A brief description of the groups for which stipends or reimbursements have been made available;

(b) An accounting of the stipends or reimbursements provided and reason why the individual qualified; and

(c) An analysis of whether and how the availability of stipends or reimbursements has reduced barriers to participation and increased the diversity of group participants.

(2) The Washington state office of equity shall:

(a) Compile and analyze the information received from agencies under this section;

(b) Consult with stakeholder communities; and

(c) Prepare a report to the governor and legislature by August 30, 2024, and annually thereafter. The report must include an overall evaluation of the stipend and reimbursement process authorized in RCW 43.03.220(2), recommendations for improving the process, and recommendations to further decrease barriers to participation and increase the diversity of group applicants."

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

Senator Wilson, C. spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1068 by Senator Wilson, J. on page 6, line 22 to Second Substitute Senate Bill No. 5793.

The motion by Senator Wilson, J. did not carry, and amendment no. 1068 was not adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Trudeau, Hasegawa and Sheldon spoke in favor of passage of the bill.

Senator Wilson, J. spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5793.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Padden, Rivers,

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Concerning small school district consolidation incentives for infrastructure enhancement and modernization.

SECOND SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

MOTION

MOTION

At 4:45 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

On motion of Senator Hawkins, the rules were suspended, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins, Wellman and Dozier spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

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The Senate was called to order at 4:51 p.m. by the President Pro Tempore, Senator Keiser presiding.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5487.

SECOND READING

ROLL CALL

SENATE BILL NO. 5581, by Senators Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C.

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Addressing pupil transportation allocations.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

MOTIONS

Voting nay: Senators Brown, Dozier, Honeyford, King, McCune, Schoesler, Sheldon, Short and Wilson, J.

On motion of Senator Wellman, Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

SENATE BILL NO. 5487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5581.

SECOND READING

ROLL CALL

SENATE BILL NO. 5252, by Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Concerning school district consultation with local tribes.

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

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5252 was substituted for Senate Bill No. 5252 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5252.

SECOND READING

ROLL CALL

SENATE BILL NO. 5487, by Senators Hawkins, Pedersen, Braun, Frockt, Hasegawa, Hunt, Keiser, Mullet, Nobles and Wagoner

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5720, by Senators Mullet, Frockt, Gildon, Nguyen, Nobles and Randall

Providing student financial literacy education.

#### MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Hawkins, King, Padden, Honeyford, Dozier and Sefzik spoke in favor of passage of the bill.

Senator Sheldon spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5720.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5741, by Senators Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.

Creating Patches pal special license plates.

#### MOTIONS

On motion of Senator Lovick, Substitute Senate Bill No. 5741 was substituted for Senate Bill No. 5741 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovick, the rules were suspended, Substitute Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovick, King, Muzzall and Hawkins spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5741.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Rivers and Schoesler

SUBSTITUTE SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:40 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### EVENING SESSION

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The Senate was called to order at 7:05 p.m. by the President Pro Tempore, Senator Keiser presiding.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Brown moved that Nathanael Jo, Senate Gubernatorial Appointment No. 9308, be confirmed as a member of the Western Washington University Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF NATHANAEL JO

The President Pro Tempore declared the question before the Senate to be the confirmation of Nathanael Jo, Senate

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

Gubernatorial Appointment No. 9308, as a member of the Western Washington University Board of Trustees.

confirmed as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Nathanael Jo, Senate Gubernatorial Appointment No. 9308, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

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

Absent: Senators Fortunato, Rolfes and Schoesler

Nathanael Jo, Senate Gubernatorial Appointment No. 9308, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Wellman moved that Tenesha Fremstad, Senate Gubernatorial Appointment No. 9090, be confirmed as a member of the Professional Educator Standards Board.

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

Senator Mullet spoke on the motion.

## APPOINTMENT OF TENESHA FREMSTAD

## MOTIONS

On motion of Senator Randall, Senator Rolfes was excused.

On motion of Senator Wagoner, Senators Fortunato and Schoesler were excused.

The President Pro Tempore declared the question before the Senate to be the confirmation of Tenesha Fremstad, Senate Gubernatorial Appointment No. 9090, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Tenesha Fremstad, Senate Gubernatorial Appointment No. 9090, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fortunato and Rolfes

Tenesha Fremstad, Senate Gubernatorial Appointment No. 9090, having received the constitutional majority was declared

## MOTION

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

## SECOND READING

SENATE BILL NO. 5764, by Senators Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Wellman, Wilson, C. and Wilson, J.

Concerning apprenticeships and higher education.

## MOTION

On motion of Senator Randall, Second Substitute Senate Bill No. 5764 was substituted for Senate Bill No. 5764 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Holy moved that the following amendment no. 1066 by Senator Holy be adopted:

On page 4, line 38, after "colleges," insert "the associated general contractors of Washington, the association of Washington business,"

On page 5, line 14, after "council," insert "the associated general contractors of Washington, the association of Washington business,"

Senator Holy spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1066 by Senator Holy on page 4, line 38 to Second Substitute Senate Bill No. 5764.

The motion by Senator Holy carried and amendment no. 1066 was adopted by voice vote.

## MOTION

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

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5764.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Rolfes

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Sefzik: “Madam President, I was just hoping we could take a brief moment of silence for any thoughts and prayers. I just have received word a couple hours ago that two sheriff deputies up in Whatcom County have been shot and are in an unknown condition right now. I know some of the people affected and so I was just hoping we could just take a brief moment to think of them, to pray for them, as we continue out the peoples’ business here.”

#### MOMENT OF SILENCE

The Senate rose and observed a moment of silence in honor of two Whatcom County Sheriff’s Deputies who were injured by gun fire while in the performance of their duties.

EDITOR’S NOTE: Whatcom County Sheriff’s Deputies Ryan Rathburn and Mr. Jason Thompson were severely wounded responding to a call in Maple Falls the afternoon of February 10, 2022. The deputies were hospitalized and, thereafter, were recovering at home.

#### SECOND READING

SENATE BILL NO. 5892, by Senators Brown, Conway, Honeyford, King, Lovick, Short, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals.

#### MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5892 was substituted for Senate Bill No. 5892 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Cleveland, Fortunato and Dozier spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5892.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

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

SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5854, by Senators Randall, Hunt, Lovick, Nobles and Wilson, C.

Concerning ethical performance of faculty duties.

The measure was read the second time.

#### MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5854 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5854.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5854 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Braun

SENATE BILL NO. 5854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators Nobles, Rivers, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.

Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families.

#### MOTIONS

On motion of Senator Nobles, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on the second reading and read the second time.

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

On motion of Senator Nobles, the rules were suspended, Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Fortunato spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5838.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5927, by Senators Honeyford and Saldaña

Concerning the safety and security of retail cannabis outlets.

The measure was read the second time.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5927 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Dhingra, Wilson, J., Hasegawa and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5927.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Vice President Pro Tempore assumed the chair, Senator Lovick presiding.

## SECOND READING

SENATE BILL NO. 5564, by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.

Protecting the confidentiality of employees using employee assistance programs.

## MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5664 was substituted for Senate Bill No. 5564 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5664.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5664 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5532, by Senators Keiser, Robinson, Conway, Hasegawa, Nobles, Pedersen, Randall, Stanford and Wilson, C.

Establishing a prescription drug affordability board.

## MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5532 was substituted for Senate Bill No. 5532 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Muzzall moved that the following amendment no. 1076 by Senator Muzzall be adopted:

On page 1, line 8, strike all of subsection (1)

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

On page 1, line 13, after "(4)" insert ""Department" means the department of health.

(5)"

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

On page 3, line 1, after "The" strike "authority" and insert "department"

On page 3, line 14, after "after the" insert "health care"

On page 3, beginning on line 17, after "with" strike "the authority,"

On page 4, line 23, after "The" strike "authority" and insert "department"

On page 6, at the beginning of line 6, strike "authority's" and insert "department's"

On page 7, line 30, after "commissioner, the" strike "authority" and insert "department"

On page 7, line 37, after "petition the" strike "authority" and insert "department"

On page 7, at the beginning of line 38, strike "authority" and insert "department"

On page 8, line 3, after "The" strike "authority" and insert "department"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1076 by Senator Muzzall on page 1, line 8 to Second Substitute Senate Bill No. 5532.

The motion by Senator Muzzall did not carry and amendment no. 1076 was not adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Muzzall, Rivers and Fortunato spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5532.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5532 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SECOND SUBSTITUTE SENATE BILL NO. 5532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5821, by Senate Committee on Ways & Means (originally sponsored by Rivers, Billig, Conway, Dhingra, Nobles, Stanford, Van De Wege, Wilson, C. and Wilson, L.)

Evaluating the state's cardiac and stroke emergency response system.

## MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5821 was substituted for Substitute Senate Bill No. 5821 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5821.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5555, by Senators Van De Wege, Hunt, Mullet and Randall

Concerning public safety telecommunicators.

## MOTIONS

THIRTY SECOND DAY, FEBRUARY 10, 2022

2022 REGULAR SESSION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Van De Wege, the rules were suspended, Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Sheldon spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5555.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5886, by Senators Holy, Frockt, Keiser, Kuderer, Liias, Lovick, Muzzall, Nobles, Rivers, Rolfes, Stanford, Trudeau, Van De Wege and Warnick

Creating an advisory council on rare diseases.

## MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holy, the rules were suspended, Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy, Cleveland, Stanford and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5886.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5942, by Senators Frockt, Pedersen and Hunt

Enacting the uniform college athlete name, image, or likeness act.

## MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5942 was substituted for Senate Bill No. 5942 and the substitute bill was placed on the second reading and read the second time.

Senator Frockt moved that the following amendment no. 1080 by Senator Frockt be adopted:

On page 6, beginning on line 29, after "(b)" strike all material through "(c)" on line 31

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

Senator Frockt spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1080 by Senator Frockt on page 6, line 29 to Substitute Senate Bill No. 5942.

The motion by Senator Frockt carried and amendment no. 1080 was adopted by voice vote.

## MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5942 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Padden and Hunt spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5942.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Honeyford, Muzzall, Schoesler and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:06 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Friday, February 11, 2022.

JOHN LOVICK, Vice President Pro Tempore of the Senate

SARAH BANNISTER, Secretary of the Senate

**THIRTY THIRD DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Friday, February 11, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Cameron Percival, Miss Annemarie Percival and Mr. Andrew Percival led the Senate in the Pledge of Allegiance. The Percivals are the grandchildren of Sergeant at Arms of the Senate, Andy Staubitz.

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

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

February 10, 2022

MR. PRESIDENT:  
The House has passed:

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO.

1412,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,

SUBSTITUTE HOUSE BILL NO. 1623,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1650,

SECOND SUBSTITUTE HOUSE BILL NO. 1664,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,

SUBSTITUTE HOUSE BILL NO. 1768,

SUBSTITUTE HOUSE BILL NO. 1800,

HOUSE BILL NO. 1805,

HOUSE BILL NO. 1833,

SUBSTITUTE HOUSE BILL NO. 1878,

SECOND SUBSTITUTE HOUSE BILL NO. 1890,

SUBSTITUTE HOUSE BILL NO. 1893,

HOUSE BILL NO. 1899,

HOUSE BILL NO. 1974,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SHB 1286 by House Committee on Health Care & Wellness (originally sponsored by Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham)

AN ACT Relating to the psychology interjurisdictional compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

HB 1611 by Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young

AN ACT Relating to advancing equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, 28A.160.160, and 28A.300.042; adding a new section to chapter 28A.185 RCW; and creating a new section.

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

HB 1612 by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

AN ACT Relating to making technical cross-reference corrections in statutes governing unemployment insurance; and amending RCW 50.29.025 and 50.29.070.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1613 by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

AN ACT Relating to shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private; amending RCW 50A.25.070 and 50A.25.110; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1620 by House Committee on Appropriations (originally sponsored by Leavitt, Boehnke, Shewmake, Ryu, Robertson, Wicks, Duerr, Ramel, Valdez, Bronoske, Callan, Ramos, Rule, Santos, Simmons, Pollet, Hackney and Taylor)

AN ACT Relating to responding to extreme weather events; amending RCW 38.52.105; adding a new section to chapter 38.52 RCW; and creating new sections.

Referred to Committee on State Government & Elections.

HB 1625 by Representatives Bronoske, Leavitt, Boehnke, Sells, Graham, Santos, Slatter, Griffey and Young

AN ACT Relating to specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment; and amending RCW 38.40.060.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1644 by House Committee on Appropriations (originally sponsored by Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney)

AN ACT Relating to permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure; and amending RCW 28A.160.130.

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

SHB 1655 by House Committee on Transportation (originally sponsored by Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor)

AN ACT Relating to having safety rest areas open to the public as soon as possible; adding a new section to chapter 47.38 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1669 by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Ways & Means.

HB 1739 by Representatives Maycumber, Cody and Ramos

AN ACT Relating to modernizing hospital policies related to pathogens of epidemiological concern; amending RCW 70.41.430; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1748 by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

AN ACT Relating to aged, blind, or disabled program eligibility for victims of human trafficking; and amending RCW 74.04.805 and 74.62.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1779 by House Committee on Labor & Workplace Standards (originally sponsored by Callan, Bronoske, Sells, Dolan and Ramos)

AN ACT Relating to requiring policies addressing surgical smoke; adding a new section to chapter 49.17 RCW; and providing effective dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1793 by House Committee on Civil Rights & Judiciary (originally sponsored by Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba)

AN ACT Relating to electric vehicle charging stations in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 1852 by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet and Riccelli)

AN ACT Relating to language requirements for prescription drug labels; amending RCW 18.64.390; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long Term Care.

SHB 1941 by House Committee on Education (originally sponsored by Walen)

AN ACT Relating to prohibiting active shooter scenarios for school safety-related drills; and amending RCW 28A.320.125.

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

HB 1953 by Representatives Valdez, Volz, Sutherland and Ramel

AN ACT Relating to exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure; amending RCW 42.56.420; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

ESHB 1956 by House Committee on State Government & Tribal Relations (originally sponsored by Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri)

AN ACT Relating to exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety; adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

SHB 1958 by House Committee on Capital Budget (originally sponsored by Berg, Boehnke, Chapman, Ryu, Paul, Peterson, Frame and Taylor)

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants; amending RCW 43.160.060; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2034 by House Committee on Children, Youth & Families (originally sponsored by Frame, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Chase and Macri)

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

AN ACT Relating to juvenile records; amending RCW 13.50.260 and 13.50.270; adding new sections to chapter 13.50 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2061 by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff  
AN ACT Relating to adding permanently affordable housing to the definition of public improvements; and reenacting and amending RCW 39.89.020.

Referred to Committee on Housing & Local Government.

HB 2098 by Representatives Shewmake, Ramel, Frame and Sutherland  
AN ACT Relating to modifying the interest rate for the low-income home rehabilitation revolving loan program; amending RCW 43.330.482; and creating a new section.

Referred to Committee on Housing & Local Government.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1644 which had been designated to the Committee on Ways & Means and was referred to the Committee on Early Learning & K-12 Education.

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

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION  
8646

By Senators Rivers, Keiser, King, Kuderer, Lovick, Nobles, Padden, Pedersen, Rolfes, Wagoner, Warnick, and Wellman

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly 107,000 courageous Americans awaiting a lifesaving organ transplant, with 20 individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every 10 minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

Senator Rivers spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

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

MOTIONS

Pursuant to Rule 20 and without objection, on motion of Senator Pedersen the names of all members were added to Senate Resolution No. 8646.

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dhingra moved that Phillip R. Lemley, Senate Gubernatorial Appointment No. 9237, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Dhingra spoke in favor of the motion.

APPOINTMENT OF PHILLIP R. LEMLEY

MOTIONS

On motion of Senator Wagoner, Senator Sheldon was excused.  
On motion of Senator Randall, Senator Salomon was excused.

The President Pro Tempore declared the question before the Senate to be the confirmation of Phillip R. Lemley, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Phillip R. Lemley, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Schoesler, Seftik, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Van De Wege

Excused: Senators Salomon and Sheldon

Phillip R. Lemley, Senate Gubernatorial Appointment No. 9237, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Anna M. Franklin, Senate Gubernatorial Appointment No. 9200, be confirmed as a member of the Washington State Women's Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF ANNA M. FRANKLIN

MOTION

On motion of Senator Wagoner, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the confirmation of Anna M. Franklin, Senate Gubernatorial Appointment No. 9200, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Anna M. Franklin, Senate Gubernatorial Appointment No. 9200, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Schoesler, Sefzik, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Salomon, Sheldon and Van De Wege

Anna M. Franklin, Senate Gubernatorial Appointment No. 9200, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 5575, by Senators Lovick, Robinson, Das, Liias, Nobles, Padden, Salomon, Stanford and Wellman

Adding additional superior court judges in Snohomish county.

MOTIONS

On motion of Senator Lovick, Substitute Senate Bill No. 5575 was substituted for Senate Bill No. 5575 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovick, the rules were suspended, Substitute Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovick, Padden and Wagoner spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5575.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Salomon and Sheldon

SUBSTITUTE SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5616, by Senator Rolfes

Concerning accounts.

MOTIONS

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5616 was substituted for Senate Bill No. 5616 and the substitute bill was placed on the second reading and read the second time.

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

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5616.

ROLL CALL

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5726, by Senators Randall, Holy, Conway, Lovick, Nobles, Robinson, Rolfes and Wilson, C.

Concerning interruptive military service credit for members of the state retirement systems.

The measure was read the second time.

#### MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5726.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5726 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5782, by Senators Conway, Hunt and Randall

Concerning the defense community compatibility account.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5782.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5946, by Senators Mullet and Nguyen

Protecting consumers from the discontinuance of the London interbank offered rate.

#### MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5946 was substituted for Senate Bill No. 5946 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Dozier and Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5946.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5946 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:04 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:51 p.m. by the President Pro Tempore, Senator Keiser presiding.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wellman moved that Kevin K. Wang, Senate Gubernatorial Appointment No. 9255, be confirmed as a member of the State Board of Education.

Senators Wellman and Nguyen spoke in favor of passage of the motion.

#### APPOINTMENT OF KEVIN K. WANG

The President Pro Tempore declared the question before the Senate to be the confirmation of Kevin K. Wang, Senate Gubernatorial Appointment No. 9255, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Kevin K. Wang, Senate Gubernatorial Appointment No. 9255, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Kevin K. Wang, Senate Gubernatorial Appointment No. 9255, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Chelsea Mason, Senate Gubernatorial Appointment No. 9070, be confirmed as a member of the State Board for Community and Technical Colleges.

Senator Gildon spoke in favor of the motion.

#### APPOINTMENT OF CHELSEA MASON

The President Pro Tempore declared the question before the Senate to be the confirmation of Chelsea Mason, Senate Gubernatorial Appointment No. 9070, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Chelsea Mason, Senate Gubernatorial Appointment No. 9070, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Chelsea Mason, Senate Gubernatorial Appointment No. 9070, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5853, by Senators Billig, Lias, Kuderer, Lovick, Saldaña and Wilson, C.

Establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations.

#### MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 5853 was substituted for Senate Bill No. 5853 and the substitute bill was placed on the second reading and read the second time.

Senator Billig moved that the following amendment no. 1078 by Senator Billig be adopted:

On page 2, line 24, after "to", strike all material through "commerce" on line 26, and insert "a community-based nonprofit corporation or the department of commerce"

On page 3, after line 4, insert the following:

"(d) The parties identified in (a) of this subsection must provide updates, to the extent practicable, to the City of Spokane and the City of Spokane Valley when any significant actions are taken related to the agreements and activities authorized under this section."

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

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the adoption of amendment no. 1078 by Senator Billig on page 2, line 24 to Substitute Senate Bill No. 5853.

The motion by Senator Billig carried and amendment no. 1078 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, amendment no. 1042 by Senator Holy on page 2, line 37 to Substitute Senate Bill No. 5853 was withdrawn.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Substitute Senate Bill No. 5853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Senators Billig, King and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5853.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5853 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senators Pedersen, Liias and Hawkins

Concerning the imposition of additive revenue sources within a regional transit authority area.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5528, by Committee on Transportation (originally sponsored by Senators Pedersen, Liias and Hawkins)

Revised for Substitute: Concerning the imposition of supplemental revenue sources within a regional transit authority area.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.  
Senator King spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5907, by Senators Wilson, J., Lovick, Fortunato, Lovelett, Randall, Saldaña, Stanford and Wilson, L.

Concerning roadside safety measures and public awareness of emergency vehicles providing roadside assistance.

MOTIONS

On motion of Senator Wilson, J., Substitute Senate Bill No. 5907 was substituted for Senate Bill No. 5907 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5907, by Committee on Transportation (originally sponsored by Senators Wilson, J., Lovick, Fortunato, Lovelett, Randall, Saldaña, Stanford and Wilson, L.)

Revised for Substitute: Concerning roadside safety measures.

On motion of Senator Wilson, J., the rules were suspended, Substitute Senate Bill No. 5907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Senators Wilson, J. and Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5907.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5907 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5875, by Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C.

Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act.

The measure was read the second time.

#### MOTION

On motion of Senator Nguyen, the rules were suspended, Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators King and Wagoner spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5875.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5842, by Senators Carlyle, Liias, Das, Nguyen and Nobles

Concerning state laws that address climate change.

#### MOTION

On motion of Senator Carlyle, Second Substitute Senate Bill No. 5842 was substituted for Senate Bill No. 5842 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Short moved that the following amendment no. 1087 by Senator Short be adopted:

On page 3, beginning on line 32, after "period" strike all material through "jurisdictions." on line 34 and insert ". The department shall allow flexibility in the number of compliance instruments transferred annually to account for year-to-year variables that affect actual annual emissions including, but not limited to, weather abnormalities and annual variations in the availability of hydropower. The rule developed under this subsection must not require covered or opt-in entities to transfer allowances in an amount that exceeds the covered or opt-in entities' actual emissions."

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

Senator Carlyle spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1087 by Senator Short on page 3, line 32 to Second Substitute Senate Bill No. 5842.

The motion by Senator Short did not carry and amendment no. 1087 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, amendment no. 1085 by Senator Braun on page 4, line 11 to Second Substitute Senate Bill No. 5842 was withdrawn.

#### MOTION

Senator Short moved that the following amendment no. 1088 by Senator Short be adopted:

On page 9, beginning on line 29, after "enforce a" strike all material through "program" on line 37 and insert "program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter or as otherwise required to implement a federal statute, rule, or program. This subsection may not be construed to affect other state statutes as they existed on the effective date of this section. However, the legislature intends to examine whether other state programs unnecessarily regulate greenhouse gas emissions that are also covered under this chapter. By December 1, 2022, the department shall report to the legislature on whether other state programs including, but not limited to, chapters 19.27A, 19.280, 19.285, 19.405, 35.92, 36.01, 36.70A, 36.165, 43.21C, 43.21F, 54.16, 70A.15, 70A.45, 70A.60, 70A.535, 80.04, 80.28, 80.70, 80.80, and 81.88 RCW regulate greenhouse gas emissions from stationary sources where such emissions are also covered under this chapter"

On page 9, line 38, after "WAC" insert "and the department shall repeal chapter 173-442 WAC"

Senator Short spoke in favor of adoption of the amendment.

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

Senator Carlyle spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1088 by Senator Short on page 9, line 29 to Second Substitute Senate Bill No. 5842.

The motion by Senator Short did not carry and amendment no. 1088 was not adopted by voice vote.

## MOTION

Senator Schoesler moved that the following amendment no. 1093 by Senator Schoesler be adopted:

On page 9, beginning on line 29, after "enforce a" strike all material through "program" on line 37 and insert "program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter or as otherwise required to implement a federal statute, rule, or program"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1093 by Senator Schoesler on page 9, line 29 to Second Substitute Senate Bill No. 5842.

The motion by Senator Schoesler did not carry and amendment no. 1093 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1089 by Senator Short be adopted:

On page 9, line 38, after "WAC" insert ", and the department shall repeal chapter 173-442 WAC"

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1089 by Senator Short on page 9, line 38 to Second Substitute Senate Bill No. 5842.

The motion by Senator Short carried and amendment no. 1089 was adopted by voice vote.

## MOTION

Senator Carlyle moved that the following amendment no. 1031 by Senator Carlyle be adopted:

On page 10, beginning on line 1, strike all of section 5

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

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1031 by Senator Carlyle on page 10, line 1 to Second Substitute Senate Bill No. 5842.

The motion by Senator Carlyle carried and amendment no. 1031 was adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1090 by Senator Short be adopted:

On page 30, after line 26, insert the following:

"Sec. 13. RCW 70A.65.170 and 2021 c 316 s 19 are each amended to read as follows:

(1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under chapter 316, Laws of 2021. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry (~~after July 25, 2021, or within two years prior to July 25, 2021~~).

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection. No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land

during the first compliance period. No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in RCW 70A.65.200; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used (~~may not~~) must:

(a) Not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under RCW 70A.65.070;

(b) Have been issued for reporting periods wholly after the effective date of this section or within two years prior to the effective date of this section; and

(c) Be consistent with offset protocols adopted by the department.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process."

On page 1, beginning on line 3 of the title, after "70A.65.010," strike "and 70A.65.140" and insert "70A.65.140, and 70A.65.170"

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1090 by Senator Short on page 30, after line 26 to Second Substitute Senate Bill No. 5842.

The motion by Senator Short carried and amendment no. 1090 was adopted by voice vote.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5842 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5842.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5842 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5746, by Senators Warnick, Nobles and Stanford

Concerning drought preparedness, response, and funding.

#### MOTIONS

On motion of Senator Warnick, Second Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Second Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Sefzik and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5746.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5789, by Senators Randall, Nobles, Conway, Das, Frockt, Kuderer, Liias, Nguyen and Wilson, C.

Creating the Washington career and college pathways innovation challenge program.

## MOTIONS

On motion of Senator Randall, Second Substitute Senate Bill No. 5789 was substituted for Senate Bill No. 5789 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Second Substitute Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Frockt spoke in favor of passage of the bill.

## REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "The President wants to remind members to be careful about walking in front of other members who are speaking. We haven't been in chamber for a long time, and some of the protocols are loosened. So be a little alert to who is speaking in the chamber and try not to walk in front of them while they are speaking."

EDITOR'S NOTE: Reed's Parliamentary Rules, Chapter XIII, Rule 212, states that members who are not speaking must not pass between the member speaking and the presiding officer.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5789.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5785, by Senators Lovelett, Wilson, C., Das, Dhingra, Hasegawa, Nobles, Saldaña and Stanford

Concerning transitional food assistance.

## MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 5785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5785.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5912, by Senators Sefzik, Braun, Fortunato, Honeyford, Muzzall, Nguyen, Randall, Robinson and Short

Improving health outcomes for children on medicaid.

## MOTIONS

On motion of Senator Sefzik, Substitute Senate Bill No. 5912 was substituted for Senate Bill No. 5912 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5912, by Committee on Health & Long Term Care (originally sponsored by Senators Sefzik, Braun, Fortunato, Honeyford, Muzzall, Nguyen, Randall, Robinson and Short)

Revised for Substitute: Improving health outcomes for children on medicaid by ensuring early and periodic screening, diagnosis, and treatment.

On motion of Senator Sefzik, the rules were suspended, Substitute Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sefzik, Cleveland and Trudeau spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5912.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5912 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5638, by Senators Wagoner and Dhingra

Concerning expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist.

#### MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Frockt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5638.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:46 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 3:53 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

#### SECOND READING

SENATE BILL NO. 5794, by Senators Dhingra, Kuderer, Frockt, Hasegawa, Lovelett, Randall, Van De Wege and Wilson, C.

Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions.

#### MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5794 was substituted for Senate Bill No. 5794 and the substitute bill was placed on the second reading and read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Dhingra and without objection, amendment no. 1034 by Senator Dhingra on page 1, line 14 to Substitute Senate Bill No. 5794 was withdrawn.

#### MOTION

Senator Dhingra moved that the following amendment no. 1095 by Senator Dhingra be adopted:

On page 1, beginning on line 14, after "refill of" strike "a prescription drug used for the assessment and treatment of a mental health condition" and insert "an antipsychotic, antidepressant, or antiepileptic drug"

Beginning on page 1, line 21, after "year" strike all material through "section" on page 2, line 2

Senator Dhingra spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1095 by Senator Dhingra on page 1, line 14 to Substitute Senate Bill No. 5794.

The motion by Senator Dhingra carried and amendment no. 1095 was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 5794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Rivers and Muzzall spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5794.

#### ROLL CALL

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5794 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5736, by Senators Frockt, Dhingra, Conway, Hasegawa, Honeyford, Keiser, Kuderer, Lovelett, Lovick, Nobles, Randall, Salomon and Stanford

Concerning partial hospitalizations and intensive outpatient treatment services for minors.

## MOTIONS

On motion of Senator Frockt, Second Substitute Senate Bill No. 5736 was substituted for Senate Bill No. 5736 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Second Substitute Senate Bill No. 5736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5736.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5884, by Senators Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.

Establishing behavioral health support specialists.

## MOTION

On motion of Senator Trudeau, Second Substitute Senate Bill No. 5884 was substituted for Senate Bill No. 5884 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Trudeau moved that the following amendment no. 1067 by Senator Trudeau be adopted:

On page 4, line 32, after "**Sec. 11.**" strike "(1)"

On page 5, at the beginning of line 1, strike all of subsection (2)

On page 5, after line 6, insert the following:

"**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2024, the office of the insurance commissioner shall integrate behavioral health support specialists into its network access standards through enforcement of every category of health care provider provision in RCW 48.43.045."

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

On page 10, after line 34, insert the following:

"**NEW SECTION. Sec. 17.** Section 12 of this act expires June 30, 2025."

On page 1, line 2 of the title, after "18.130.040;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing expiration dates."

Senators Trudeau and Wagoner spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1067 by Senator Trudeau on page 4, line 32 to Second Substitute Senate Bill No. 5884.

The motion by Senator Trudeau carried and amendment no. 1067 was adopted by voice vote.

## MOTION

On motion of Senator Trudeau, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5884 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau and Wagoner spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5884.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5884 and the bill passed the

Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5884, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5692, by Senators Gildon, Honeyford, Randall, Rivers and Wagoner

Concerning programming at the department of corrections.

#### MOTIONS

On motion of Senator Gildon, Second Substitute Senate Bill No. 5692 was substituted for Senate Bill No. 5692 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Gildon, the rules were suspended, Second Substitute Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5692.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5781, by Senators Padden and Wilson, L.

Concerning organized retail theft.

The measure was read the second time.

#### MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Dhingra and McCune spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5781.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa, Lias and Nguyen

SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5561, by Senators Dhingra, Kuderer, Lovelett, Pedersen, Saldaña, Stanford, Van De Wege and Wellman

Concerning the restoration of the right to possess a firearm.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following amendment no. 1091 by Senator Padden be adopted:

On page 1, beginning on line 9, after "felony;" strike all material through "used;" on line 11

Beginning on page 1, line 16, after "(b)" strike all material through "offense" on page 2, line 5 and insert "The conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crime, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525;

(c) The conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crime, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence"

THIRTY THIRD DAY, FEBRUARY 11, 2022

2022 REGULAR SESSION

On page 2, beginning on line 18, strike all of subsection (2)  
 Renumber the remaining subsection consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 26 to Senate Bill No. 5561.

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

ROLL CALL

Senator Dhingra spoke against adoption of the amendment.

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1091 by Senator Padden on page 1, line 9 to Senate Bill No. 5561.

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

The motion by Senator Padden did not carry and amendment no. 1091 was not adopted by voice vote.

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

POINT OF ORDER

Senator Honeyford: "Senator Honeyford would like to report that, on the last vote, my computer malfunctioned and I was not able to vote."

MOTION

Vice President Pro Tempore Lovick: "It was a voice vote Senator Honeyford, but thanks for letting us know."

On motion of Senator Dhingra, the rules were suspended, Engrossed Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

EDITOR'S NOTE: While senators were asked to indicate their vote on the electronic voting system, once the sense of the senate was determined, the voting system did not record the vote of each senator during "voice" votes.

Senators Dhingra and Trudeau spoke in favor of passage of the bill.

MOTION

Senator Dhingra moved that the following amendment no. 1069 by Senator Dhingra be adopted:

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

On page 2, line 5, after "of a" insert "class B or"  
 On page 2, beginning on line 6, strike all of subsection (1)(d)  
 Reletter the remaining subsections consecutively and correct any internal references accordingly.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5561.

ROLL CALL

On page 2, line 14, after "conviction" insert ", excluding fees and fines"

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Senator Dhingra spoke in favor of adoption of the amendment.

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1069 by Senator Dhingra on page 2, line 5 to Senate Bill No. 5561.

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

The motion by Senator Dhingra carried and amendment no. 1069 was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment no. 1092 by Senator Honeyford be adopted:

ENGROSSED SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On page 2, beginning on line 26, after "crime." strike all material through "restoration." on line 29

MOTION

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

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

Senator Dhingra spoke against adoption of the amendment.

MOTION

Senator Honeyford demanded a roll call.

THIRD READING

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

SUBSTITUTE SENATE BILL NO. 5406, by Senate Committee on Transportation (originally sponsored by Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick and Wilson, J.)

Providing compensation for tow truck operators for keeping the public roadways clear.

The bill was read on Third Reading.

#### MOTIONS

On motion of Senator Hawkins, the rules were suspended and Substitute Senate Bill No. 5406 was returned to second reading for the purposes of amendment.

On motion of Senator Hawkins, Second Substitute Senate Bill No. 5406 was substituted for Substitute Senate Bill No. 5406 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Second Substitute Senate Bill No. 5406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Liias spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5406.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5406 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SECOND SUBSTITUTE SENATE BILL NO. 5406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5801, by Senators Keiser, Conway, Hasegawa and Nobles

Concerning attorney and witness fees in industrial insurance court appeals.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5801 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5801.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5801 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5801, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Well, thank you very much Mr. President. Mr. President, I would like to extend the great gratitude of all of us to you, and to the Gentelady from the 33<sup>rd</sup> District for your extraordinary service over the past few days. We received the good news that our Lt. Governor may be back with us tomorrow. So, you can return to having a more leisurely day, but it's been a great pleasure to watch you work. I want to extend our thanks as well to the staff up there at the rostrum for the great and smooth work."

#### MOTION

At 5:20 p.m., on motion of Senator Pedersen, the Senate adjourned until 9:00 o'clock a.m. Saturday, February 12, 2022.

JOHN LOVICK, Vice President Pro Tempore of the Senate

SARAH BANNISTER, Secretary of the Senate

THIRTY FOURTH DAY, FEBRUARY 12, 2022

2022 REGULAR SESSION

**THIRTY FOURTH DAY****MORNING SESSION**Senate Chamber, Olympia  
Saturday, February 12, 2022

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

**REMARKS BY SENATOR HONEYFORD**

Senator Honeyford: "I am not sure what the point is Mr. President, but I believe we need to have a muffler or a catalytic converter on your gavel because I'm afraid that the attorney sitting to your right will have an L & I claim for hearing loss. Thank you, Mr. President."

**REPLY BY THE PRESIDENT**

President Heck: "I have no idea the retort that is formed in my head that I will withhold."

Senator Honeyford: "And I would say, welcome back."

President Heck: "Thank you sir."

**REMARKS BY THE PRESIDENT**

President Heck: "Might the President just take this opportunity to thank you all for your well wishes. But in particular to extend my deepest gratitude to both Senators Keiser and Lovick, so ably substituting in my absence. I appreciate your tolerance. Nothing is more frustrating than being completely asymptomatic and wanting to be into work to do whatever small part of value-add the presiding officer is, but I thank you all very, very much."

The Washington State Patrol Honor Guard presented the Colors.

Miss Akshara Pathangi, student from Inglewood Middle School, Sammamish, and guest of Senator Dhingra, led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Rachel Swenson, Grace Lutheran Church of Des Moines.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 10, 2022

**MR. PRESIDENT:**

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 11, 2022

**MR. PRESIDENT:**

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1590,  
SUBSTITUTE HOUSE BILL NO. 1626,  
ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1717,  
SUBSTITUTE HOUSE BILL NO. 1773,  
ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1799,  
SECOND SUBSTITUTE HOUSE BILL NO. 1835,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930,  
HOUSE BILL NO. 1975,  
SUBSTITUTE HOUSE BILL NO. 2001,  
SECOND SUBSTITUTE HOUSE BILL NO. 2008,  
SECOND SUBSTITUTE HOUSE BILL NO. 2044,  
HOUSE BILL NO. 2097,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING****SB 5976** by Senator Salomon

AN ACT Relating to intervention for substance use disorders; amending RCW 10.31.115, 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, and 69.50.412; adding a new section to chapter 69.50 RCW; prescribing penalties; and providing expiration dates.

Referred to Committee on Law &amp; Justice.

**SB 5977** by Senators Carlyle, Braun, Brown, Dhingra, Hasegawa, Honeyford, Hunt, Keiser, Lias, Lovelett, Nguyen, Pedersen, Saldaña, Van De Wege, Warnick, Wilson, C. and Wilson, L.

AN ACT Relating to the legislative chamber skylights; creating a new section; and making an appropriation.

Referred to Committee on Ways &amp; Means.

**E4SHB 1412** by House Committee on Appropriations (originally sponsored by Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri)

AN ACT Relating to legal financial obligations; amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 43.43.7541, 43.43.7532, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, 9.94A.777, 13.40.192, and 13.40.200; reenacting and amending RCW

36.18.020; adding a new section to chapter 10.01 RCW; adding a new section to chapter 7.68 RCW; adding a new section to chapter 3.66 RCW; creating new sections; and providing an effective date.

Referred to Committee on Law & Justice.

ESHB 1497 by House Committee on Consumer Protection & Business (originally sponsored by Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young)

AN ACT Relating to commercial telephone solicitation; amending RCW 80.36.390, 19.158.040, and 19.158.110; and adding a new section to chapter 19.158 RCW.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1619 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley)

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; reenacting and amending RCW 19.260.020 and 19.260.020; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SHB 1623 by House Committee on Environment & Energy (originally sponsored by Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley)

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

ESHB 1650 by House Committee on Consumer Protection & Business (originally sponsored by Leavitt, Mosbrucker, Eslick, Pollet, Griffey and Young)

AN ACT Relating to commercial solicitation; amending RCW 19.190.010, 19.190.020, 19.190.040, 19.190.060, 19.190.070, 19.190.080, 19.190.090, and 80.36.400; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

E2SHB 1663 by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney)

AN ACT Relating to reducing methane emissions from landfills; amending RCW 70A.65.080 and 70A.15.1010; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

2SHB 1664 by House Committee on Appropriations (originally sponsored by Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame)

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007, 28A.150.100, and 28A.150.410; reenacting and amending RCW 28A.150.260 and 28A.150.260; adding a new section to chapter 28A.300 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 1673 by House Committee on Community & Economic Development (originally sponsored by Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame)

AN ACT Relating to broadband infrastructure loans and grants made by the public works board; and amending RCW 43.155.160 and 42.56.270.

Referred to Committee on Environment, Energy & Technology.

ESHB 1705 by House Committee on Civil Rights & Judiciary (originally sponsored by Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba)

AN ACT Relating to limiting ghost guns, including untraceable firearms and untraceable unfinished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968; amending RCW 7.80.120, 9.41.010, 9.41.190, and 43.43.580; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

ESHB 1753 by House Committee on Environment & Energy (originally sponsored by Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young)

AN ACT Relating to tribal consultation regarding the use of certain funding authorized by the climate commitment act; and adding a new section to chapter 70A.65 RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1768 by House Committee on Environment & Energy (originally sponsored by Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney)

AN ACT Relating to updating definitions applicable to energy conservation projects involving public entities; amending RCW 39.35A.020 and 39.35C.020; reenacting

THIRTY FOURTH DAY, FEBRUARY 12, 2022

2022 REGULAR SESSION

and amending RCW 39.35C.010; adding a new section to chapter 39.35C RCW; and adding a new section to chapter 39.35A RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1800 by House Committee on Children, Youth & Families (originally sponsored by Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame)

AN ACT Relating to increasing access to behavioral health services for minors; amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 1805 by Representatives Paul, Boehnke and Shewmake

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100.

Referred to Committee on Higher Education & Workforce Development.

HB 1833 by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

AN ACT Relating to establishing an electronic option for the submission of household income information required for participation in school meals and programs; adding a new section to chapter 28A.235 RCW; and adding a new section to chapter 42.56 RCW.

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

SHB 1878 by House Committee on Appropriations (originally sponsored by Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez)

AN ACT Relating to increasing public school participation in the community eligibility provision of the United States department of agriculture; amending RCW 28A.235.300; creating a new section; and declaring an emergency.

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

2SHB 1890 by House Committee on Appropriations (originally sponsored by Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet)

AN ACT Relating to the children and youth behavioral health work group; amending RCW 74.09.4951; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1893 by House Committee on Health Care & Wellness (originally sponsored by Donaghy, Riccelli,

Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet)

AN ACT Relating to allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request; and amending RCW 18.73.030.

Referred to Committee on Health & Long Term Care.

HB 1899 by Representatives Kirby, Vick, Graham and Young

AN ACT Relating to confidentiality of certain data shared with the department of financial institutions; reenacting and amending RCW 42.56.400; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Business, Financial Services & Trade.

HB 1974 by Representatives Ybarra and Callan

AN ACT Relating to moving state board of education and educational service district elections to the Washington state school directors' association; and amending RCW 28A.305.021, 28A.345.030, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, and 28A.310.100.

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

ESHB 2059 by House Committee on Consumer Protection & Business (originally sponsored by Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis and Lekanoff)

AN ACT Relating to real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate; and amending RCW 18.86.010 and 18.86.030.

Referred to Committee on Business, Financial Services & Trade.

MOTIONS

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

At 9:07 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 10:40 a.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

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

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Latasha M. Wortham, Senate Gubernatorial Appointment No. 9233, be confirmed as a member of the Tacoma Community College Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF LATASHA M. WORTHAM

The President declared the question before the Senate to be the confirmation of Latasha M. Wortham, Senate Gubernatorial Appointment No. 9233, as a member of the Tacoma Community College Board of Trustees.

The Secretary called the roll on the confirmation of Latasha M. Wortham, Senate Gubernatorial Appointment No. 9233, as a member of the Tacoma Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Frockt

Latasha M. Wortham, Senate Gubernatorial Appointment No. 9233, having received the constitutional majority was declared confirmed as a member of the Tacoma Community College Board of Trustees.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Warnick moved that Kaleen Cottingham, Senate Gubernatorial Appointment No. 9349, be confirmed as a member of the Salmon Recovery Funding Board.

Senator Van De Wege spoke in favor of the motion.

#### APPOINTMENT OF KALEEN COTTINGHAM

#### MOTIONS

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

On motion of Senator Randall, Senator Frockt was excused.

The President declared the question before the Senate to be the confirmation of Kaleen Cottingham, Senate Gubernatorial Appointment No. 9349, as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Kaleen Cottingham, Senate Gubernatorial Appointment No. 9349, as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña,

Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Kaleen Cottingham, Senate Gubernatorial Appointment No. 9349, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5649, by Senators Robinson, Conway, Lovick, Randall and Wilson, C.

Modifying the Washington state paid family and medical leave act.

#### MOTIONS

On motion of Senator Robinson, Second Substitute Senate Bill No. 5649 was substituted for Senate Bill No. 5649 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Robinson, the rules were suspended, Second Substitute Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson, King and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5649.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Honeyford, McCune, Padden, Schoesler, Short and Wagoner

SECOND SUBSTITUTE SENATE BILL NO. 5649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5815, by Senators Cleveland, Saldaña, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Lovick, Nobles, Trudeau and Wilson, C.

Implementing an identicard program to provide individuals a Washington state-issued identicard.

## MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5815 was substituted for Senate Bill No. 5815 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Gildon moved that the following amendment no. 1101 by Senator Gildon be adopted:

On page 1, line 12, after "for a" strike "no cost" and insert "taxpayer-funded"

Senators Gildon, Liias and Hasegawa spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1101 by Senator Gildon on page 1, line 12 to Substitute Senate Bill No. 5815.

The motion by Senator Gildon carried and amendment no. 1101 was adopted by voice vote.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, King, Wagoner and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5815.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5815 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5771, by Senators Holy, Randall, Carlyle, Lovick, Nobles and Wilson, C.

Including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting.

The measure was read the second time.

## MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 5771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5771.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5771 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5832, by Senators Das, Fortunato, Dhingra, Keiser, Kuderer, Lovelett, Nobles, Salomon, Wagoner and Wilson, C.

Expanding the multifamily tax exemption program to include converting existing multifamily units.

The measure was read the second time.

## MOTION

Senator Fortunato moved that the following amendment no. 1096 by Senator Fortunato be adopted:

On page 4, line 31, after "(II)" strike "For" and insert "Only in a county with a population greater than 300,000, for"

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

Senator Wagoner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1096 by Senator Fortunato on page 4, line 31 to Senate Bill No. 5832.

The motion by Senator Fortunato carried and amendment no. 1096 was adopted by voice vote.

## MOTION

On motion of Senator Das, the rules were suspended, Engrossed Senate Bill No. 5832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5832.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Dozier, Hasegawa, Honeyford, Padden and Schoesler

ENGROSSED SENATE BILL NO. 5832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Fortunato: "I didn't get to speak on the last bill, something happened, I intended to speak, but I thank everybody."

#### RULING BY THE PRESIDENT

President Heck : "Senator Fortunato, Senator Fortunato, points of personal privilege do not cover retroactively speaking on pending legislation."

#### PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. While I do have a point of personal privilege, I really want to thank you from the bottom of my heart for coming back today. And I want to also thank you for these wonderful handmade Italian cookies which I am looking forward to indulging in. Thank you very much."

#### REMARKS BY THE PRESIDENT

President Heck: "You are most welcome. The President would like to inform you that those are made from a recipe brought by Paula, my wife, brought by her mother from Italy when she immigrated here many years ago."

#### SECOND READING

SENATE BILL NO. 5874, by Senators Nobles, Randall, Conway, Keiser, Lovelett, Lovick, Nguyen, Stanford, Van De Wege and Wilson, C.

Concerning residency of students affiliated with the military.

#### MOTIONS

On motion of Senator Nobles, Substitute Senate Bill No. 5874 was substituted for Senate Bill No. 5874 and the substitute bill was placed on the second reading and read the second time.

Senator Nobles moved that the following amendment no. 1083 by Senator Nobles be adopted:

On page 2, at the beginning of line 17, after "year" insert "primarily"

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

The President declared the question before the Senate to be the adoption of amendment no. 1083 by Senator Nobles on page 2, line 17 to Substitute Senate Bill No. 5874.

The motion by Senator Nobles carried and amendment no. 1083 was adopted by voice vote.

#### MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Substitute Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5874.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5722, by Senators Nguyen, Lias, Lovelett, Nobles, Pedersen, Saldaña and Stanford

Reducing greenhouse gas emissions in buildings.

#### MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5722 was substituted for Senate Bill No. 5722 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Carlyle spoke in favor of passage of the bill.

Senators Short, Fortunato, Braun, Sefzik and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5722.

#### ROLL CALL

THIRTY FOURTH DAY, FEBRUARY 12, 2022

2022 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5722 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5910, by Senators Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford

Accelerating the availability and use of renewable hydrogen in Washington state.

## MOTION

On motion of Senator Carlyle, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Fortunato moved that the following amendment no. 1103 by Senator Fortunato be adopted:

On page 4, line 17, after "(f)" insert "By December 1, 2023, submit to the appropriate committees of the legislature a feasibility study for hydrogen vehicle fueling stations along state highways.

(g)"

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

Senator Fortunato spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1103 by Senator Fortunato on page 4, line 17 to Substitute Senate Bill No. 5910.

The motion by Senator Fortunato did not carry and amendment no. 1103 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1097 by Senator Short be adopted:

Beginning on page 7, line 28, strike all of section 401

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

On page 1, line 2 of the title, after "RCW" strike "80.50.020, 54.04.190," and insert "54.04.190"

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

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1097 by Senator Short on page 7, line 28 to Substitute Senate Bill No. 5910.

The motion by Senator Short did not carry and amendment no. 1097 was not adopted by voice vote.

## MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Short, Mullet, Hawkins, Rivers, Fortunato and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5910.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5885, by Senators Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes

Concerning marine shoreline habitat.

## MOTION

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5885 was substituted for Senate Bill No. 5885 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Lovelett moved that the following amendment no. 1106 by Senator Lovelett be adopted:

On page 1, at the beginning of line 16, after "structures" insert "and vessels"

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

The President declared the question before the Senate to be the adoption of amendment no. 1106 by Senator Lovelett on page 1, line 16 to Second Substitute Senate Bill No. 5885.

The motion by Senator Lovelett carried and amendment no. 1106 was adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1105 by Senator Warnick be adopted:

On page 3, beginning on line 9, after "(ii)" strike all material through "structure." on line 11 and insert "Any repair or replacement of a marine structure in the waters of the Puget Sound must be assessed to consider the least impactful alternatives that upgrade the structures to the most recent code standards ensuring that the updates are technically feasible and subject to the alternatives in (b) of this subsection."

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

The President declared the question before the Senate to be the adoption of amendment no. 1105 by Senator Warnick on page 3, line 9 to Second Substitute Senate Bill No. 5885.

The motion by Senator Warnick carried and amendment no. 1105 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 1104 by Senator Wagoner be adopted:

On page 3, line 10, after "waters of" insert "the"

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

The President declared the question before the Senate to be the adoption of amendment no. 1104 by Senator Wagoner on page 1, line 10 to Second Substitute Senate Bill No. 5885.

The motion by Senator Wagoner carried and amendment no. 1104 was adopted by voice vote.

#### MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

Senator Warnick spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5885.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5885 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5678, by Senators Short, Carlyle, Frockt and Mullet

Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders.

#### MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5678 was substituted for Senate Bill No. 5678 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5678.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5678 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Pedersen moved that the senate be at ease subject to the call of the President.

#### PERSONAL PRIVILEGE

Senator Carlyle: "Mr. President, I would be so incredibly honored if you would express to my colleagues that there is an exciting opportunity to co-sponsor a piece of legislation before 5:00 pm today. For those members who are passionate about..."

#### RULING BY THE PRESIDENT

President Heck: "Senator Carlyle, that is so far outside the bounds of the rules relating to points of personal privilege."

MOTION

At 12:30 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

SECOND READING

SENATE BILL NO. 5626, by Senators Rolfes, Frockt, Lovelett, Lovick, Nguyen, Randall and Stanford

Adding a climate resilience element to water system plans.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 5626 was substituted for Senate Bill No. 5626 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Sheldon spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5626.

MOTION

On motion of Senator Randall, Senator Carlyle was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5695, by Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.

Concerning the body scanner pilot program at the department of corrections.

MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5695 was substituted for Senate Bill No. 5695 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5695, by Committee on Ways & Means (originally sponsored by Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.)

Revised for Second Substitute: Concerning a body scanner pilot program at the department of corrections.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5695.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5890, by Senators Keiser, Conway, Dhingra, Hasegawa, Kuderer, Lovick, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

Clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5890 was substituted for Senate Bill No. 5890 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Sheldon moved that the following amendment no. 1102 by Senator Sheldon be adopted:

On page 2, line 14, after "except for" insert "facilities licensed and regulated by the United States nuclear regulatory commission and"

Senators Sheldon, Brown and Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1102 by Senator Sheldon on page 2, line 14 to Substitute Senate Bill No. 5890.

The motion by Senator Sheldon did not carry and amendment no. 1102 was not adopted by voice vote.

#### MOITON

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill. Senator Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5890.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5644, by Senators Wagoner and Frockt

Concerning providing quality behavioral health co-response services

#### MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5644.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5701, by Senators Nguyen, Frockt, Hasegawa, Nobles and Wilson, C.

Determining monthly wages for workers' compensation.

#### MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5701 was substituted for Senate Bill No. 5701 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5701.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hasegawa, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Gildon, Hawkins, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY FOURTH DAY, FEBRUARY 12, 2022  
SECOND READING

2022 REGULAR SESSION

SENATE BILL NO. 5600, by Senators Keiser, Holy, Conway, Das, Dhingra, Hasegawa, Kuderer, Lias, Lovelett, Lovick, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.

Concerning the sustainability and expansion of state registered apprenticeship programs.

#### MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5600 was substituted for Senate Bill No. 5600 and the substitute bill was placed on the second reading and read the second time.

Senator Keiser moved that the following amendment no. 1075 by Senator Keiser be adopted:

On page 2, line 3, after "diversity," strike "and inclusion" and insert "inclusion, and accessibility"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1075 by Senator Keiser on page 2, line 3 to Second Substitute Senate Bill No. 5600.

The motion by Senator Keiser carried and amendment no. 1075 was adopted by voice vote.

#### MOTION

Senator Braun moved that the following amendment no. 1098 by Senator Braun be adopted:

On page 3, after line 30, insert the following:

"(4) The apprenticeship council must annually report to the appropriate committees of the legislature a list of apprenticeship programs that have applied for state approval, whether those applicant apprenticeship programs have been approved or not approved, and the reasons for any denials of approval by the apprenticeship council. The apprenticeship council must provide its first report to the legislature by December 15, 2022."

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1098 by Senator Braun on page 3, after line 30 to Second Substitute Senate Bill No. 5600.

The motion by Senator Braun carried and amendment no. 1098 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5600.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5600 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Dozier, Honeyford, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5807, by Senators Warnick and Dhingra

Improving behavioral health outcomes by enhancing engagement of state hospitals.

#### MOTIONS

On motion of Senator Warnick, Second Substitute Senate Bill No. 5807 was substituted for Senate Bill No. 5807 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Second Substitute Senate Bill No. 5807 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5807.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Well, thank you very much Mr. President. It is a delight to have you back. I want to thank you for spending

your Saturday with us, or at least a good chunk of it. And also, the same to all of our diligent and most excellent rostrum staff. We are grateful for your service. Mr. President since the gentleman from the 42<sup>nd</sup> District let me down on the one-hundred and thirteenth birthday of our sixteenth president, I am sorry, two-hundred and thirteenth birthday. I would like to leave you with this quotation, 'I don't like that man. I must get to know him better.' Words to ponder."

EDITOR'S NOTE: President Abraham Lincoln was born Sunday, April 12, 1809 on Sinking Creek Farm near Hodgenville, Kentucky. A great number of wise and witty quotations have been attributed to this former President of the United States.

#### MOTION

At 2:35 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:00 o'clock a.m. Monday, February 14, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**THIRTY SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, February 14, 2022

The Senate was called to order at 11:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Van De Wege.

The Washington State Patrol Honor Guard presented the Colors.

Miss Emma Decker, niece of Ms. Sarah Bannister, Secretary of the Senate, led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Andrew Fix, Centralia Bible Baptist Church.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

February 11, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 1688,

ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 1691,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,

ENGROSSED HOUSE BILL NO. 1851,

ENGROSSED HOUSE BILL NO. 1964,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 12, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1770,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

February 13, 2022

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1706,

SUBSTITUTE HOUSE BILL NO. 1984,

HOUSE BILL NO. 2007,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5978 by Senator Lovelett

AN ACT Relating to providing a local government option for the funding of essential affordable housing programs; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Housing & Local Government.

SHB 1590 by House Committee on Appropriations (originally sponsored by Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey, Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame)

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1626 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger)

AN ACT Relating to updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices; and amending RCW 77.32.090.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1717 by House Committee on Local Government (originally sponsored by Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young)

AN ACT Relating to tribal participation in planning under the growth management act; and amending RCW 36.70A.040, 36.70A.085, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

Referred to Committee on Housing & Local Government.

SHB 1773 by House Committee on Appropriations (originally sponsored by Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley)

AN ACT Relating to assisted outpatient treatment for persons with behavioral health disorders; amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.290, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, and 71.24.045; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, and 71.29.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; creating a new section; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

E2SHB 1799 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley)

AN ACT Relating to organic materials management; amending RCW 70A.205.040, 70A.205.015, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010, 70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, 70A.455.100, and 70A.455.030; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding a new section to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

2SHB 1835 by House Committee on Appropriations (originally sponsored by Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby)

AN ACT Relating to outreach and completion initiatives to increase postsecondary enrollment; amending RCW 28B.92.200, 74.04.060, and 28B.120.040; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28B.120 RCW; creating new sections; and repealing RCW 28B.120.005, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, and 28B.120.900.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1877 by House Committee on Health Care & Wellness (originally sponsored by Chambers, Gilday, Jacobsen, Simmons, Corry, Graham, Dolan, Riccelli, Eslick, Lekanoff and Wicks)

AN ACT Relating to expired certifications for certain health professions; and adding a new section to chapter 18.88B RCW.

Referred to Committee on Health & Long Term Care.

ESHB 1930 by House Committee on Consumer Protection & Business (originally sponsored by Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham)

AN ACT Relating to license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians; amending RCW 18.16.110; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

HB 1975 by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

AN ACT Relating to property management services provided to housing authority properties; amending RCW 35.82.070; and creating a new section.

Referred to Committee on Housing & Local Government.

SHB 2001 by House Committee on Local Government (originally sponsored by McCaslin, Graham, Jacobsen, Chase and Sutherland)

AN ACT Relating to expanding the ability to build tiny houses; amending RCW 36.70A.540; and creating new sections.

Referred to Committee on Housing & Local Government.

2SHB 2008 by House Committee on Appropriations (originally sponsored by Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet)

AN ACT Relating to eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities; amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; adding a new section to chapter 71A.10 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 2044 by House Committee on Appropriations (originally sponsored by Boehnke, Hackney, Fitzgibbon, Kloba, Ormsby, Sutherland, Ramel and Young)

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.054 and 43.105.220; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

HB 2097 by Representatives Donaghy, Ryu, Macri, Ramel, Walen, Paul, Frame and Taylor

AN ACT Relating to changing the definition of first-time home buyer; and amending RCW 43.185A.010.

Referred to Committee on Housing & Local Government.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2044 which had been designated to the Committee on State Government & Elections and was referred to the Committee on Environment, Energy & Technology.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

#### MOTION

Senator Fortunato moved adoption of the following resolution:

#### SENATE RESOLUTION

8627

By Senator Fortunato

WHEREAS, The Democratic Republic of Congo has been embroiled in a civil war since 1996 resulting in untold trauma and human rights abuses; and

WHEREAS, International observers have concluded over 4,000,000 people have lost their lives between 1998 and now, and more than 2,000,000 Congolese people have been displaced from their homes; and

WHEREAS, Few have been able to escape the conflict, survivors have experienced brutal violence, forced displacement, and economic and social destruction; and

WHEREAS, Washington State has warmly received these immigrants who number in the top 5 of resettled populations to our state and top 1 nationally; and

WHEREAS, An estimated 8,000 Congolese refugees live, work and call Washington state home, they are served by the Congolese Integration Network; and

WHEREAS, The Congolese Integration Network was founded 5 years ago to facilitate the social, economic, cultural, and spiritual integration of Congolese immigrants and refugees into American society by providing access to critical resources to empower this community; and

WHEREAS, The Congolese Integration Network continues to advocate for resources to support the refugee community in the construction of a Healing Center where those suffering from trauma can feel safe and recover from their mental, physical, and spiritual wounds;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the work of the Congolese Integration Network, their efforts to support refugees in Washington fleeing violence and oppression, and individuals working to alleviate their plight, fighting for justice and peace.

Senators Fortunato, Padden, Keiser, Warnick, Wagoner, Braun and Wilson, J. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

The motion by Senator Fortunato carried and the resolution was adopted by voice vote.

#### MOTION

At 11:24 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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#### AFTERNOON SESSION

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The Senate was called to order at 2:00 o'clock p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Holy moved that Shain Wright, Senate Gubernatorial Appointment No. 9309, be confirmed as a member of the Washington State Board of Regents.

Senators Holy and Randall spoke in favor of passage of the motion.

#### APPOINTMENT OF SHAIN WRIGHT

#### MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

The President declared the question before the Senate to be the confirmation of Shain Wright, Senate Gubernatorial Appointment No. 9309, as a member of the Washington State Board of Regents.

The Secretary called the roll on the confirmation of Shain Wright, Senate Gubernatorial Appointment No. 9309, as a member of the Washington State Board of Regents and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Van De Wege

Shain Wright, Senate Gubernatorial Appointment No. 9309, having received the constitutional majority was declared confirmed as a member of the Washington State Board of Regents.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Salomon moved that Djelli Berisha, Senate Gubernatorial Appointment No. 9301, be confirmed as a member of the University of Washington Board of Regents.

Senator Salomon spoke in favor of the motion.

#### APPOINTMENT OF DJELLI BERISHA

The President declared the question before the Senate to be the confirmation of Djelli Berisha, Senate Gubernatorial Appointment No. 9301, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Djelli Berisha, Senate Gubernatorial Appointment No. 9301, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

Djelli Berisha, Senate gubernatorial Appointment No. 9301, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5662, by Senators Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.

Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions.

#### MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5662 was substituted for Senate Bill No. 5662 and the substitute bill was placed on the second reading and read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Gildon and without objection, amendment no. 1109 by Senator Gildon on page 2, line 2 to Second Substitute Senate Bill No. 5662 was withdrawn.

#### MOTION

Senator Gildon moved that the following amendment no. 1151 by Senator Gildon be adopted:

On page 2, line 5, after "stability." insert "The legislature recognizes the need to ensure taxpayer dollars are used for maximum effect and, therefore, intends to closely monitor actions taken to engage with persons experiencing homelessness to remediate primary drivers of homelessness."

On page 4, line 14, after "system." insert "The team must create and maintain a report for each encampment engaged. The report must include, at a minimum, the date and time of the engagement, the location of the encampment, and a summary of the engagement, including the number of encamped persons at that location, the number of encamped persons contacted, any services offered to such encamped persons, and any other data deemed relevant by the office. The report must not reveal the personally identifiable information of encamped persons."

Senators Gildon and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1151 by Senator Gildon on page 2, line 5 to Second Substitute Senate Bill No. 5662.

The motion by Senator Gildon carried and amendment no. 1151 was adopted by voice vote.

#### MOTION

Senator Kuderer moved that the following amendment no. 1024 by Senator Kuderer be adopted:

On page 2, after line 28, insert the following:

"(c) The legislature recognizes the lack of shelter capacity and affordable housing throughout the state and has invested operating and capital funds to increase stock and provide supportive services. To this end, the legislature intends that a portion of newly acquired or built shelter and housing capacity be prioritized toward reducing the number of persons encamped in the public rights-of-way by transitioning them into these units."

On page 3, at the beginning of line 13, strike "community, and" and insert "community. Recognizing and accommodating partners, families, and pets is a critical component of shelter and housing solutions. Shelter or housing plans should be complete"

On page 3, line 25, after "rights-of-way." insert "Prioritization for engaging encampments should be based on those that present the greatest health and safety risk to the encamped population, the public, or workers on the rights-of-way."

On page 4, line 5, after "solutions." insert "These plans should maintain cohesion among partners, families, and pets."

Senator Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1024 by Senator Kuderer on page 2, after line 28 to Second Substitute Senate Bill No. 5662.

The motion by Senator Kuderer carried and amendment no. 1024 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following striking amendment no. 1107 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that many individuals experience homelessness as a result of a lack of available and affordable housing, increasing rents, insufficient income, complex and long-term behavioral health conditions, substance addiction, or disabilities, or as a result of domestic violence. Every night thousands of Washingtonians go to sleep in places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings, and spaces on public land. More than 1,750 unsanctioned encampments exist on public rights-of-way managed by state agencies. Public right-of-way encampments present increasing concerns for the health and safety of those encamped in this space, the public, and those workers who are responsible to maintain and improve public lands.

(2)(a) The legislature intends that persons experiencing homelessness be treated with dignity, care, and compassion. The legislature recognizes that the primary drivers of homelessness stem from a lack of investment in affordable housing, behavioral health, and other supports that provide economic stability.

(b) Furthermore, the legislature intends that local jurisdictions and providers engage persons experiencing homelessness with teams of multidisciplinary experts focused on trauma-informed care and provision of services with the goal of transitioning persons experiencing homelessness into permanent housing solutions. The legislature further intends that every effort must be made to avoid furthering existing trauma to persons experiencing homelessness by causing displacement that does not result in a transition to permanent housing. To that end, the legislature intends that a multidisciplinary team within state government be established to coordinate across state agencies, and collaborate

THIRTY SIXTH DAY, FEBRUARY 14, 2022

2022 REGULAR SESSION

with local governments, nonprofit organizations, and persons encamped on state rights-of-way to find housing solutions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) There is created the office of intergovernmental coordination on public right-of-way homeless encampments within the department. For purposes of this section, "public right-of-way" includes public roads, sidewalks, and parks.

(2) Activities of the office must be carried out by a director and supervised by the secretary of the department or his or her designee.

(3) The office is responsible for leading efforts under this section to coordinate the spectrum of ongoing and future funding, policy, and practice efforts related to reducing the number of persons in unsanctioned encampments on state public rights-of-way. This includes coordination across state agencies, through local governments, and with persons in unsanctioned encampments on state public rights-of-way with the goal of reducing the number of encamped persons through transition to a permanent housing solution so that the encampment is closed with the site either restored to original conditions or preserved for future use.

(4) The office shall establish:

(a) Regional coordination teams charged with state agency, local government, and nonprofit organization collaboration on identifying or creating solutions that bring persons encamped on public rights-of-way into permanent housing to include traditional and nontraditional housing options. Collaboration partners will provide regional knowledge and support to address specific and unique regional needs. Collaboration partners may include the health care authority, the health benefit exchange, the department of health, the department of transportation, the department of ecology, the department of commerce, the department of veterans' affairs, tribal authorities, counties and cities, and private not-for-profit agencies;

(b) Regional outreach teams charged with outreach with the homeless population. Each team will include state, local, and private partners in addition to a core team from the department. Outreach teams are part of an intergovernmental team for initial assessment to identify and target individual needs, such as medical issues and treatment, mental health treatment, acquisition of medication, identification acquisition (such as birth certificates and social security cards), poly-substance abuse treatment, housing needs, need for immediate sheltering, need for social services (including supplemental nutrition assistance program benefits, women, infants, and children benefits, supplemental security income acquisition, medicaid, medicare, and social security benefits), and reengagement with family and relatives; and

(c) A data analysis team charged with data infrastructure development to create a performance monitoring infrastructure, establish a baseline, and then track outcomes for individuals experiencing homelessness in locales around encampments on public rights-of-way. The team shall also estimate the impact on client outcomes and services as well as estimate public program cost savings, where applicable. The data analysis team must provide a report to the governor and appropriate legislative committees by December 1, 2023, and annually thereafter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.185C RCW to read as follows:

The department shall collaborate with the office of intergovernmental coordination on public right-of-way homeless encampments created in section 2 of this act on developing and implementing a statewide effort to reduce the number of persons encamped on the state public rights-of-way by transitioning to

permanent housing solutions. The department shall use any funds appropriated by the legislature for this purpose to provide grants to local governments or nonprofit organizations to meet the individual needs of persons encamped on state public rights-of-way in order to facilitate their transition to permanent housing. Such grants must include graduated rental assistance programs in which recipients must contribute either a percentage of their income to rent or perform community service in exchange for rental assistance.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.01 RCW to read as follows:

(1)(a) In coordination with the office of intergovernmental coordination on public right-of-way homeless encampments created in section 2 of this act, every county and each city with a population over 50,000 must establish and operate at least one emergency overnight shelter site in its respective jurisdiction. Counties and each eligible city within the county's geographic boundary must coordinate to ensure that there are enough cumulative shelter beds to accommodate, at a minimum, the sheltered and unsheltered portions of the county's most recent point-in-time homeless count.

(b) Counties and each eligible city must make available employment, mental health, and drug counseling services at each shelter location with funding made available from the state operating budget or local funds as appropriated for these purposes. Accommodations at each shelter must be prioritized for persons who participate in available services. Each shelter may prohibit the possession and use of alcohol and unprescribed drugs on its premises contingent upon evaluation for and compliance with treatment as recommended. Each shelter must provide a secure space for each person or family's belongings and provide personal security during shelter operating hours.

(2) Any county or city establishing a shelter under this section may utilize assistance under the housing trust fund pursuant to RCW 43.185.050 to acquire or build shelter. Any application for assistance under this section must receive priority.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, that purchases a hotel, as defined in RCW 19.48.010, with public funds for purposes of providing emergency housing or emergency shelter must limit the use and occupancy of such housing and shelters to the following:

- (a) Persons with disabilities experiencing homelessness;
- (b) Families experiencing homelessness including, but not limited to, pregnant women;
- (c) Persons aged 60 years or more experiencing homelessness; or

- (d) Other persons subject to the following conditions:
  - (i) Payment of no more than 30 percent of their annual median income toward rent or providing at least 24 hours of community service; and
  - (ii) Stays are limited for no longer than 90 days except between November and February.

(2) Each planning county and each city within such county must provide employment, mental health, drug counseling service, and job training opportunities and services at each emergency housing and shelter described under subsection (1) of this section.

**NEW SECTION. Sec. 6.** (1) The department of commerce must convene a work group to make recommendations on the creation of a statewide registration program for the purpose of registering persons experiencing homelessness who take

advantage of housing, substance abuse treatment, mental health, or employment services.

(2) The work group must include relevant stakeholders including, but not limited to, homeless rights representatives, service provider representatives, and representatives from cities and counties.

(3) The work group must meet at least three times and evaluate the following:

(a) How to collect, organize, and protect demographic information;

(b) Which information should be collected and made disclosable in a database accessible by service providers;

(c) The need to implement a registration requirement over time and across specific state regions, and challenges in identifying persons who travel from region to region;

(d) Which types of persons experiencing homelessness should be exempted from a statewide registration requirement;

(e) The use of a statewide registration program database to prioritize provision of services to persons most likely to benefit;

(f) The feasibility of requiring service providers to report participation data as part of such a registration program;

(g) How to collect data regarding the number of persons:

(i) With mental health disorders who are offered services and accept or decline such services;

(ii) With substance abuse disorders who are offered sobriety programs and accept or decline such program services;

(iii) Offered employment services and who accept or decline such services; and

(iv) With active warrants and probation requirements and the outcome of contact with services; and

(h) Any other relevant factors or considerations discussed by the work group.

(4) The department of commerce must issue a final report, including any work group findings and recommendations, to the appropriate committees of the legislature by December 1, 2022.

(5) This section expires January 1, 2023.

**NEW SECTION. Sec. 7.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 8 and 9, chapter . . . , Laws of 2022 (sections 8 and 9 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers and create or retain jobs, as indicated in RCW 82.32.808(2) (a) and (c).

(3) It is the legislature's specific public policy objective to encourage the employment of certain unemployed persons, such as persons convicted of a felony and homeless persons. It is the legislature's intent to provide employers a credit against the business and occupation tax or public utility tax for hiring certain unemployed persons which would reduce an employer's tax burden thereby inducing employers to hire and create jobs for such persons. Pursuant to chapter 43.136 RCW, the joint legislative audit and review committee must review the business and occupation tax and public utility tax credit established under sections 8 and 9, chapter . . . , Laws of 2022 (sections 8 and 9 of this act) by December 31, 2031.

(4) If a review finds that the number of unemployed persons who meet the criteria in section 8(7)(c)(i) or 9(7)(c)(i) of this act decreased by 30 percent, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and

review committee should refer to unemployment rates available from the employment security department and the bureau of labor statistics.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.04 RCW to read as follows:

(1) A person is allowed a credit against the tax due under this chapter as provided in this section. The credit equals the lesser of 10 percent or \$500 of wages and benefits paid to or on behalf of a qualifying employee, with a maximum of a \$500 credit for each qualifying employee hired on or after October 1, 2022.

(2) No credit may be claimed under this section until a qualifying employee has been employed for at least three consecutive full calendar quarters.

(3) Unused credit may be carried over and used in subsequent tax reporting periods, except as provided in subsection (8) of this section. No refunds may be granted for credits under this section.

(4) If an employer discharges a qualifying employee for whom the employer has claimed a credit under this section, the employer may not claim a new credit under this section for a period of one year from the date the qualifying employee was discharged. However, this subsection (4) does not apply if the qualifying employee was discharged for misconduct, as defined in RCW 50.04.294, connected with his or her work or discharged due to a felony or gross misdemeanor conviction, and the employer contemporaneously documents the reason for discharge.

(5) Credits earned under this section may be claimed only on returns filed electronically with the department using the department's online tax filing service or other method of electronic reporting as the department may authorize. No application is required to claim the credit, but the taxpayer must keep records necessary for the department to determine eligibility under this section including records establishing the person's status as a qualifying employee under subsection (7)(c)(i) and (ii) of this section when hired by the taxpayer.

(6) No person may claim a credit against taxes due under both this chapter and chapter 82.16 RCW for the same qualifying employee.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Homeless person" has the same meaning as provided in RCW 43.185C.010.

(b) "Person convicted of a felony" means a person, including a juvenile as defined in RCW 13.40.020, convicted of a felony under state or federal statute who is hired within one calendar year after the last date that the person was convicted or released from a juvenile rehabilitation facility or prison.

(c) "Qualifying employee" means a person who meets all of the following requirements:

(i) Is a homeless person or a person convicted of a felony;

(ii) Was unemployed as defined in RCW 50.04.310 for at least 30 days immediately preceding the date that the person was hired by the person claiming the credit under this section; and

(iii) Is employed in a permanent full-time position for at least three consecutive full calendar quarters by the person claiming the credit under this section. For seasonal employers, "qualifying employee" also includes the equivalent of a full-time employee in work hours for two consecutive full calendar quarters. For purposes of this subsection (7)(c)(iii), "full-time" means a normal workweek of at least 35 hours.

(8) Credits allowed under this section can be earned for tax reporting periods through June 30, 2031. No credits can be claimed after June 30, 2032.

(9) This section expires July 1, 2032.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.16 RCW to read as follows:

THIRTY SIXTH DAY, FEBRUARY 14, 2022

2022 REGULAR SESSION

(1) A person is allowed a credit against the tax due under this chapter as provided in this section. The credit equals the lesser of 10 percent or \$500 of wages and benefits paid to or on behalf of a qualifying employee, with a maximum of a \$500 credit for each qualifying employee hired on or after October 1, 2022.

(2) No credit may be claimed under this section until a qualifying employee has been employed for at least three consecutive full calendar quarters.

(3) Unused credit may be carried over and used in subsequent tax reporting periods, except as provided in subsection (8) of this section. No refunds may be granted for credits under this section.

(4) If an employer discharges a qualifying employee for whom the employer has claimed a credit under this section, the employer may not claim a new credit under this section for a period of one year from the date the qualifying employee was discharged. However, this subsection (4) does not apply if the qualifying employee was discharged for misconduct, as defined in RCW 50.04.294, connected with his or her work or discharged due to a felony or gross misdemeanor conviction, and the employer contemporaneously documents the reason for discharge.

(5) Credits earned under this section may be claimed only on returns filed electronically with the department using the department's online tax filing service or other method of electronic reporting as the department may authorize. No application is required to claim the credit, but the taxpayer must keep records necessary for the department to determine eligibility under this section including records establishing the person's status as a qualifying employee under subsection (7)(c)(i) and (ii) of this section when hired by the taxpayer.

(6) No person may claim a credit against taxes due under both chapter 82.04 RCW and this chapter for the same qualifying employee.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Homeless person" has the same meaning as provided in RCW 43.185C.010.

(b) "Person convicted of a felony" means a person, including a juvenile as defined in RCW 13.40.020, convicted of a felony under state or federal statute who is hired within one calendar year after the last date that the person was convicted or released from a juvenile rehabilitation facility or prison.

(c) "Qualifying employee" means a person who meets all of the following requirements:

(i) Is a homeless person or a person convicted of a felony;

(ii) Was unemployed as defined in RCW 50.04.310 for at least 30 days immediately preceding the date that the person was hired by the person claiming the credit under this section; and

(iii) Is employed in a permanent full-time position for at least three consecutive full calendar quarters by the person claiming the credit under this section. For seasonal employers, "qualifying employee" also includes the equivalent of a full-time employee in work hours for two consecutive full calendar quarters. For purposes of this subsection (7)(c)(iii), "full-time" means a normal workweek of at least 35 hours.

(8) Credits allowed under this section can be earned for tax reporting periods through June 30, 2031. No credits can be claimed after June 30, 2032.

(9) This section expires July 1, 2032.

**NEW SECTION. Sec. 10.** (1) The department of commerce must establish a pilot program for cities to provide job opportunities to and hire persons experiencing homelessness for the purposes of local beautification projects. The pilot program must include three cities, two on the west side and one on the east side of the Cascade mountain range. The cities selected are

strongly encouraged to administer their programs during the summer months.

(2) Persons experiencing homelessness who are hired under this pilot program must be paid at least the local minimum wage and be connected with organizations that provide wraparound housing services.

(3) The pilot program expires July 1, 2025. The cities selected to participate in the pilot program must provide a report to the appropriate committees of the legislature by December 1, 2025, that includes at least the following information: The number of persons experiencing homelessness hired during the pilot program, the number of such persons connected with wraparound housing services, strategies for hiring persons experiencing homelessness for other local projects, and any legislative recommendations.

(4) Persons experiencing homelessness who are hired under this pilot program are not considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to this pilot program, except for project supervisors, who must be city employees, and other administrative and supervisory personnel.

(5) The pilot program is considered an unemployment work-relief or work-training program as provided in RCW 50.44.040(4) and, as such, the services of persons experiencing homelessness under this pilot program are excluded from the term "unemployment" and unemployment compensation coverage. The department of commerce must advise the cities selected under the pilot program to notify such persons hired under the pilot program of this exclusion.

(6) For purposes of this section, "persons experiencing homelessness" means individuals living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program that may include a transitional and supportive housing program if habitation time limits exist.

(7) This section expires January 1, 2027."

On page 1, line 3 of the title, after "solutions;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing expiration dates."

Senator Fortunato spoke in favor of adoption of the striking amendment.

Senator Kuderer spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1107 by Senator Fortunato to Second Substitute Senate Bill No. 5662.

The motion by Senator Fortunato did not carry and striking amendment no. 1107 was not adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Liias and Trudeau spoke in favor of passage of the bill.

Senators Fortunato, Gildon, Wilson, L. and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5662.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Holy, Honeyford, McCune, Padden, Schoesler, Short, Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5796, by Senators Saldaña, Stanford, Keiser, Liias and Wilson, C.

Restructuring cannabis revenue appropriations.

#### MOTION

On motion of Senator Saldaña, Second Substitute Senate Bill No. 5796 was substituted for Senate Bill No. 5796 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Mullet moved that the following amendment no. 1146 by Senator Mullet be adopted:

On page 10, beginning on line 17, after "fund" strike all material through "act" on line 19

Beginning on page 10, line 20, strike all of section 3

On page 1, beginning on line 3 of the title, after "investment," strike the remainder of the title and insert "and amending RCW 69.50.530 and 69.50.540."

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1146 by Senator Mullet on page 10, line 17 to Second Substitute Senate Bill No. 5796.

The motion by Senator Mullet carried and amendment no. 1146 was adopted by voice vote.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5796 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5796.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5796 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Gildon, Honeyford, McCune, Muzzall, Padden and Schoesler

Excused: Senator Van De Wege

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5783, by Senators Conway, Hasegawa, Hunt, Keiser, Kuderer, Mullet, Stanford and Van De Wege

Reestablishing the underground economy task force.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5783 was substituted for Senate Bill No. 5783 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

#### REMARKS BY THE PRESIDENT

President Heck: "The President would like to remind members that according to our own rules adopted by the body that you must press the request to speak button, and if present, also stand. The president is unable to ascertain who wants to continue to speak if they are remote if they have not pressed their request to speak button."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5783.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5783 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Honeyford, McCune, Padden, Schoesler, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5723, by Senators Rivers, Keiser and Lovick

Concerning improving diversity in clinical trials.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland, Honeyford and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5765, by Senators Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.

Concerning the practice of midwifery.

MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5765 was substituted for Senate Bill No. 5765 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holy moved that the following amendment no. 1149 by Senator Holy be adopted:

On page 4, line 11, after "care" insert ", or extend the scope of licensed midwives to include abortion"

Senators Holy and Fortunato spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1149 by Senator Holy on page 4, line 11 to Substitute Senate Bill No. 5765.

The motion by Senator Holy did not carry and amendment no. 1149 was not adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Lovelett and Mullet spoke in favor of passage of the bill.

Senators Holy, Fortunato and Muzzall spoke against passage of the bill.

MOTION

On motion of Senator Randall, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5920, by Senator Warnick

Concerning parenting plans.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5920 was substituted for Senate Bill No. 5920 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5920.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5072, by Senators Short, Kuderer, Frockt, Rolfes, Wagoner and Wilson, C.

Concerning the government issuance of a certificate of birth resulting in stillbirth.

#### MOTIONS

On motion of Senator Trudeau, Second Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

Senator Trudeau moved that the following amendment no. 1099 by Senator Trudeau be adopted:

On page 1, beginning on line 12, after "international" strike "lactation consultant association" and insert "board of lactation consultant examiners"

On page 2, line 24, after "may" strike "require an enrollee to obtain expedited" and insert "not require an enrollee to obtain"

On page 3, line 11, after "international" strike "lactation consultant association" and insert "board of lactation consultant examiners"

Senator Trudeau spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1099 by Senator Trudeau on page 1, line 12 to Second Substitute Senate Bill No. 5702.

The motion by Senator Trudeau carried and amendment no. 1099 was adopted by voice vote.

#### MOITON

On motion of Senator Trudeau, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5702.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5703, by Senators Das, Cleveland, Kuderer, Lovelett, Nobles, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

Concerning the use and disclosure of toxic chemicals in cosmetic products.

#### MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 5703 was substituted for Senate Bill No. 5703 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5703, by Committee on Ways & Means (originally sponsored by Senators Das, Cleveland, Kuderer, Lovelett, Nobles, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.)

Revised for Second Substitute: Concerning the use of toxic chemicals in cosmetic products.

#### MOTION

THIRTY SIXTH DAY, FEBRUARY 14, 2022

2022 REGULAR SESSION

Senator Short moved that the following striking amendment no. 1108 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The department of ecology must conduct an evaluation of the amount of cosmetic products sold or distributed for commerce in the state that contain any of the following intentionally added chemicals or chemical classes:

- (a) Ortho-phthalates;
- (b) Perfluoroalkyl and polyfluoroalkyl substances;
- (c) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;
- (d) Lead or lead compounds (CAS 7439-92-1);
- (e) Methylene glycol (CAS 463-57-0);
- (f) Mercury and mercury compounds (CAS 7439-97-6);
- (g) Triclosan (CAS 3380-34-5);
- (h) M-phenylenediamine and its salts (CAS 108-45-2); and
- (i) O-phenylenediamine and its salts (CAS 95-54-5).

(2) The department of ecology must submit a report of the evaluation to the appropriate committees of the legislature by December 1, 2022."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "and creating a new section."

Senator Short spoke in favor of adoption of the striking amendment.

Senator Das spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1108 by Senator Short to Second Substitute Senate Bill No. 5703.

The motion by Senator Short did not carry and striking amendment no. 1108 was not adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Second Substitute Senate Bill No. 5703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Wellman spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5703.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5703 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SECOND SUBSTITUTE SENATE BILL NO. 5703, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5745, by Senators Liias, Keiser, Conway, Nobles and Wilson, C.

Increasing the personal needs allowance for persons receiving state financed care.

#### MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5745 was substituted for Senate Bill No. 5745 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5745.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Mullet

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5790, by Senators Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short and Wilson, L.

Strengthening critical community support services for individuals with intellectual and developmental disabilities.

#### MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Cleveland, Muzzall and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5790.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5848, by Senators Cleveland, Keiser, Conway, Lovick, Muzzall, Nobles, Robinson and Wilson, C.

Concerning licensure for music therapists.

#### MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5848 was substituted for Senate Bill No. 5848 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5848.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5848, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5900, by Senators Van De Wege, Keiser, Conway, Hasegawa, Lovick, Randall and Saldaña

Creating a provisional paramedic or emergency medical technician license.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5900 was substituted for Senate Bill No. 5900 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5900, by Committee on Health & Long Term Care (originally sponsored by Senators Van De Wege, Keiser, Conway, Hasegawa, Lovick, Randall and Saldaña)

Revised for Substitute: Creating a provisional certification for emergency medical services providers under chapters 18.71 and 18.73 RCW.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5900.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5585, by Senators Rolfes and Das

Setting domestic wastewater discharge fees.

The measure was read the second time.

#### MOTION

THIRTY SIXTH DAY, FEBRUARY 14, 2022

2022 REGULAR SESSION

Senator Short moved that the following amendment no. 1100 by Senator Short be adopted:

On page 2, beginning on line 4, after "(2)" strike all material through "(3))" on line 9 and insert "The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of eighteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system. Beginning in 2023, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 3, line 7, strike all of section 2

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and reenacting and amending RCW 90.48.465."

Senator Short spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1100 by Senator Short on page 2, line 4 to Senate Bill No. 5585.

The motion by Senator Short did not carry and amendment no. 1100 was not adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5585.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Carlyle and Van De Wege

SENATE BILL NO. 5585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5860, by Senators Warnick, Dozier and Schoesler

Concerning water policy in regions with regulated reductions in aquifer levels.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5860 was substituted for Senate Bill No. 5860 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Salomon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5860.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5860 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Trudeau, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Kuderer, Saldaña, Stanford and Wellman  
Excused: Senators Carlyle and Van De Wege

SUBSTITUTE SENATE BILL NO. 5860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. I'm not speaking of pending legislation; I'm speaking of great pride. Mr. President, since I've been a member of this body, only one college in the Spokane area has won a NCAA championship.

President Heck: "You're right on the edge there, you're right, you're right on the edge. Senator Billig is about to object if you go one step further."

Senator Schoesler: "Well, due to the fact that the Eastern Eagles do have a Spokane presence, I am sure he won't. They are the only national championship team of course. But from that Eastern Eagle pride came Cooper Kupp. And yesterday, Cooper Kupp of Yakima, Cooper Kupp of the Eastern Eagles, was the MVP in the Super Bowl, something that all of us can be proud of in this state. And I commend Cooper Kupp for his honors yesterday."

EDITOR'S NOTE: Mr. Cooper Kupp of Yakima, member and wide receiver of the Los Angeles Rams football team, was named Most Valuable Player of the National Football League's Super Bowl LVI following the Rams' 23-20 win over the Cincinnati Bengals played on Sunday, February 13, 2022.

#### MOTION

At 4:34 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Tuesday, February 15, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**THIRTY SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, February 15, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Anders Pedersen, Mr. Trygve Pedersen, Mr. Erik Pedersen and Mr. Leif Pedersen, sons of Senator Pedersen, led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Robert Laird, St. John's Episcopal Church, Olympia.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 14, 2022  
SSB 5085 Prime Sponsor, Committee on  
Transportation: Modifying certain alternative fuel vehicles fees.  
Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5085 be substituted therefor, and the second substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Ways & Means.

February 14, 2022  
SB 5488 Prime Sponsor, Senator Randall: Completing  
outstanding financial obligations regarding the Tacoma Narrows  
toll bridge project. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Hawkins; Holy; Padden; Sheldon and Wilson, J.

Referred to Committee on Rules for second reading.

February 14, 2022  
SB 5974 Prime Sponsor, Senator Liias: Addressing  
transportation resources. Reported by Committee on  
Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5974 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Hawkins; Holy; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

**MOTIONS**

Senator Pedersen moved that all measures listed on the Standing Committee report be referred to the committees as designated with the exception of Senate Bill No. 5085 which had been designated to the Committee on Rules and would be referred to the Committee on Ways & Means.

Senator Short moved the Senator Pedersen's motion be amended to refer Senate Bill No. 5974 to the Committee on Ways & Means instead of the Committee on Transportation.

**MOTION**

Senator Short demanded a roll call.  
The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Short spoke for passage of the motion.  
Senator Pedersen spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Short that Senate Bill No. 5974 be referred to the Committee on Ways & Means.

**ROLL CALL**

The Secretary called the roll on the motion by Senator Short to refer Senate Bill No. 5085 to the Committee on Ways & Means and the motion did not carry by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frocht, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Absent: Senator Sheldon

**MOTIONS**

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5085 which had been

designated to the Committee on Rules and was referred to the Committee on Ways & Means.

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

ESHB 1169 by House Committee on Public Safety (originally sponsored by Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney)

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.599, 9.94A.729, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; repealing RCW 9.94A.833 and 69.50.435; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

ESHB 1175 by House Committee on Finance (originally sponsored by Johnson, J., Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon)

AN ACT Relating to providing a property tax exemption for real property used as a host home associated with a host home program; amending RCW 74.15.020 and 84.69.020; adding a new section to chapter 84.36 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1389 by House Committee on Consumer Protection & Business (originally sponsored by Corry and Eslick)

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; repealing RCW 48.175.005, 48.175.010, 48.175.020, 48.175.030, and 48.175.900; and providing an effective date.

Referred to Committee on Transportation.

SHB 1571 by House Committee on Public Safety (originally sponsored by Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby)

AN ACT Relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking; amending RCW 36.24.155 and 68.50.320; adding a new section to chapter 68.50 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Law & Justice.

ESHB 1643 by House Committee on Finance (originally sponsored by Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba)

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SHB 1684 by House Committee on Local Government (originally sponsored by Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli)

AN ACT Relating to public health and fluoridation of drinking water; and adding new sections to chapter 70A.125 RCW.

Referred to Committee on Environment, Energy & Technology.

EHB 1687 by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba

AN ACT Relating to enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges; amending RCW 28B.118.010; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1688 by House Committee on Appropriations (originally sponsored by Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan, Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame)

AN ACT Relating to protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions; amending RCW 43.371.100, 48.43.005, 48.43.093, 48.43.535, 48.49.003, 48.49.020, 48.49.030, 48.49.040, 48.49.050, 48.49.060, 48.49.070, 48.49.090, 48.49.100, 48.49.130, 48.49.150, and 48.49.110; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.49 RCW; adding a new section to chapter 71.24 RCW; recodifying RCW 48.49.150; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

E2SHB 1691 by House Committee on Appropriations (originally sponsored by Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba)

AN ACT Relating to financial responsibility requirements related to oil spills; amending RCW 88.40.011, 88.40.025, 88.40.030, and 88.40.040; reenacting and amending RCW 88.40.020; adding a new section to chapter 88.40 RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SHB 1706 by House Committee on Transportation (originally sponsored by Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba)

AN ACT Relating to truck drivers ability to access restroom facilities; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SHB 1709 by House Committee on Transportation (originally sponsored by Orcutt, Wylie, Springer, Griffey and Leavitt)

AN ACT Relating to safety measures for tow truck operators and vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

E2SHB 1723 by House Committee on Appropriations (originally sponsored by Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame)

AN ACT Relating to closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training; amending RCW 43.330.530, 43.330.532, 43.330.534, and 43.330.412; adding new sections to chapter 80.36 RCW; adding new sections to chapter 43.330 RCW; creating new sections; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SHB 1724 by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba)

AN ACT Relating to ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington; amending RCW 43.185B.020; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

HB 1738 by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

AN ACT Relating to changing the total amount of outstanding indebtedness of the Washington state housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Housing & Local Government.

SHB 1746 by House Committee on Education (originally sponsored by Ortiz-Self, Taylor, Davis, Ramel and Santos)

AN ACT Relating to updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1755 by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

AN ACT Relating to temporary assistance for needy families time limit extensions during times of high unemployment; and amending RCW 74.08A.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1760 by House Committee on Appropriations (originally sponsored by Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor)

AN ACT Relating to expanding access to dual credit programs; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; creating a new section; and repealing RCW 28A.630.600.

Referred to Committee on Ways & Means.

HB 1769 by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

AN ACT Relating to community municipal corporations; amending RCW 35.14.060, 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090, 35.13.100, and 35.13.110; repealing RCW 35.14.020, 35.14.030, 35.14.040, 35.14.050, 35.14.060, 35A.14.025, 35.14.010, and 35.10.540; and providing an effective date.

Referred to Committee on Housing & Local Government.

ESHB 1770 by House Committee on Local Government (originally sponsored by Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame)

AN ACT Relating to strengthening energy codes; amending RCW 19.27A.160, 19.27A.015, and 19.27A.020; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

ESHB 1813 by House Committee on Health Care & Wellness (originally sponsored by Schmick, Macri, Graham and Chambers)

AN ACT Relating to freedom of pharmacy choice; amending RCW 48.200.020 and 48.200.280; and adding new sections to chapter 48.200 RCW.

Referred to Committee on Health & Long Term Care.

E2SHB 1815 by House Committee on Transportation (originally sponsored by Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame)

AN ACT Relating to deterring catalytic converter theft; amending RCW 19.290.020 and 36.28A.240; and creating new sections.

Referred to Committee on Law & Justice.

2SHB 1818 by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby)

AN ACT Relating to promoting successful reentry and rehabilitation of persons convicted of criminal offenses; amending RCW 9.94A.729, 72.02.100, 9.94A.74504, 9.94A.760, 9.95.214, 9.94A.703, 9.94A.703, 9.94A.704, 9.94B.050, 9.95.204, and 36.18.016; creating new sections; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 1827 by House Committee on Appropriations (originally sponsored by Morgan, Simmons, Ormsby, Harris-Talley and Kloba)

AN ACT Relating to the creation of the community reinvestment account and community reinvestment program; amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 43.79 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1841 by House Committee on Finance (originally sponsored by Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby)

AN ACT Relating to incentivizing rental of accessory dwelling units to low-income households; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Housing & Local Government.

EHB 1851 by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

AN ACT Relating to preserving a pregnant individual's ability to access abortion care; amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1859 by Representatives Kloba, Chambers, Wylie and Wicks

AN ACT Relating to quality standards for laboratories conducting cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

2SHB 1865 by House Committee on Appropriations (originally sponsored by Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame)

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040 and 43.43.842; reenacting and amending RCW 18.130.175; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 1876 by House Committee on State Government & Tribal Relations (originally sponsored by Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet)

AN ACT Relating to public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue; amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SHB 1902 by House Committee on Labor & Workplace Standards (originally sponsored by Schmick and Pollet)

AN ACT Relating to providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner; and amending RCW 51.28.040.

Referred to Committee on Labor, Commerce & Tribal Affairs.

2SHB 1905 by House Committee on Appropriations (originally sponsored by Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet)

AN ACT Relating to reducing homelessness for youth and young adults discharging from a publicly funded system of care; adding a new section to chapter 43.216 RCW; adding new sections to chapter 43.330 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

EHB 1942 by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba  
AN ACT Relating to the provision of the paraeducator fundamental course of study; and amending RCW 28A.413.060.

Referred to Committee on Early Learning & K-12 Education.

EHB 1964 by Representative Corry  
AN ACT Relating to the decommissioning of alternative energy facilities; and adding a new chapter to Title 64 RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1967 by House Committee on Appropriations (originally sponsored by Steele, Riccelli, Berry, Lekanoff, Santos and Duerr)  
AN ACT Relating to property tax exemptions for nonprofits; amending RCW 84.36.020 and 84.36.037; and creating new sections.

Referred to Committee on Business, Financial Services & Trade.

SHB 1984 by House Committee on Transportation (originally sponsored by Jacobsen and Graham)  
AN ACT Relating to protecting privacy of addresses related to vehicle registration certificates; amending RCW 46.16A.180; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2007 by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet  
AN ACT Relating to establishing a nurse educator loan repayment program under the Washington health corps; and amending RCW 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.110, and 28B.115.130.

Referred to Committee on Higher Education & Workforce Development.

HB 2010 by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby  
AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing & Local Government.

ESHB 2037 by House Committee on Public Safety (originally sponsored by Goodman and Sutherland)  
AN ACT Relating to modifying the standard for use of force by peace officers, but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, clarifying that physical force may be used

to protect against a criminal offense when there is probable cause that a person has committed or is committing the offense, authorizing the use of physical force to prevent a person from fleeing a temporary investigative detention, authorizing the use of physical force to take a person into custody when authorized or directed by statute, providing that the standard does not permit violations to the United States Constitution or state Constitution, and defining deadly force, physical force, necessary, and totality of the circumstances; amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

2SHB 2078 by House Committee on Appropriations (originally sponsored by Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet)  
AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2096 by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet  
AN ACT Relating to the working families' tax exemption, also known as the working families tax credit; and amending RCW 82.08.0206, 82.32.050, and 82.32.290.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Engrossed Second Substitute House Bill No. 1760 and Second Substitute House Bill No. 2078 which had been designated to the Committee on Early Learning & K-12 Education and were referred to the Committee on Ways & Means.

## MOTION

Senator Pedersen moved that the Senate go at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus at 10:20 a.m.

Senator Warnick announced a meeting of the Republican Caucus at 10:20 a.m.

Senator Pedersen withdrew his previous motion for the Senate to go at ease.

## MOTION

Pursuant to Emergency Rule I, on motion of Senator Billig, the Committee on Rules was relieved of Senate Bill No. 5974 and the bill was placed on the day's second reading calendar.

## MOTION

At 10:17 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Mullet spoke in favor of the motion.

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AFTERNOON SESSION

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The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Randall, Senator Lovelett was excused.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wilson, C. moved that Cheryl Strange, Senate Gubernatorial Appointment No. 9297, be confirmed as a Director of the Department of Corrections - Agency Head.

Senator Wilson, C. spoke in favor of the motion.

Senators Gildon, Wagoner and Padden spoke against passage of the motion.

APPOINTMENT OF CHERYL STRANGE

The President declared the question before the Senate to be the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9297, as a Director of the Department of Corrections - Agency Head.

The Secretary called the roll on the confirmation of Cheryl Strange, Senate Gubernatorial Appointment No. 9297, as a Director of the Department of Corrections - Agency Head and the appointment was confirmed by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Schoesler

Cheryl Strange, Senate Gubernatorial Appointment No. 9297, having received the constitutional majority was declared confirmed as a Director of the Department of Corrections - Agency Head.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that William N. Rumpf, Senate Gubernatorial Appointment No. 9170, be confirmed as Chair of the Housing Finance Commission.

APPOINTMENT OF WILLIAM N. RUMPF

MOTION

On motion of Senator Wagoner, Senator Schoesler was excused.

The President declared the question before the Senate to be the confirmation of William N. Rumpf, Senate Gubernatorial Appointment No. 9170, as Chair of the Housing Finance Commission.

The Secretary called the roll on the confirmation of William N. Rumpf, Senate Gubernatorial Appointment No. 9170, as Chair of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Schoesler

William N. Rumpf, Senate Gubernatorial Appointment No. 9170, having received the constitutional majority was declared confirmed as Chair of the Housing Finance Commission.

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording his vote remotely, Senator Schoesler was automatically recorded as excused.

STATEMENT FOR THE JOURNAL

On February 15<sup>th</sup>, 2022 I would have voted "No" on SGA 9297, and "Yes" on SGA 9170.

I experienced technical issues with my computer, which kept me from voting.

SENATOR MARK SCHOESLER, 9th Legislative District

MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048,  
 ENGROSSED SECOND SUBSTITUTE  
 HOUSE BILL NO. 1162,  
 THIRD SUBSTITUTE HOUSE BILL NO. 1359,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,  
 HOUSE BILL NO. 1666,  
 HOUSE BILL NO. 1704,  
 SUBSTITUTE HOUSE BILL NO. 1728,

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

ENGROSSED HOUSE BILL NO. 1744,  
 ENGROSSED HOUSE BILL NO. 1837,  
 HOUSE BILL NO. 1928,  
 SUBSTITUTE HOUSE BILL NO. 1980,  
 HOUSE BILL NO. 2058,  
 HOUSE BILL NO. 2074,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5652, by Senators Conway, Rivers, Lovick, Mullet, Muzzall, Nobles, Short, Van De Wege, Wagoner and Wilson, C.

Concerning law enforcement officers' and firefighters' retirement system benefits.

## MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5652.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: Pursuant to Emergency Rules of the Senate, Sec. II, Rule I (3), due to connectivity issues encountered while recording his vote remotely, Senator Schoesler was automatically recorded as excused.

## SECOND READING

SENATE BILL NO. 5791, by Senators Schoesler and Short

Concerning law enforcement officers' and firefighters' retirement system benefits.

## MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5791 was substituted for Senate Bill No. 5791 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Schoesler, Conway and Lovick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5791.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5791 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5599, by Senators Saldaña, Keiser, Conway, Das, Hasegawa, Liias, Nobles and Wilson, C.

Concerning journey level electrician certifications of competency.

## MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 5599 was substituted for Senate Bill No. 5599 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Short moved that the following amendment no. 1169 by Senator Short be adopted:

On page 1, beginning on line 6, strike all of Section 1 and insert the following:

"Sec. 1. RCW 19.28.191 and 2020 c 153 s 25 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.

(e) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

(f) To be eligible to take the examination for a journey level certificate of competency, the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician; ~~((or))~~

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade;

(iii) Successfully completed an 8,000 hour electrical construction trade apprenticeship program in another jurisdiction equivalent to an apprenticeship program approved under chapter 49.04 RCW. Four thousand of the hours shall be new electrical installations in industrial or commercial facilities;

(iv) At least 16,000 hours experience in the electrical construction trade installing and maintaining electrical wiring and equipment in another jurisdiction. Eight thousand of the hours shall be new electrical installations in industrial or commercial facilities; or

(v) Eight thousand hours of experience in the electrical construction trade while serving in a construction battalion in the armed forces of the United States.

(g)(i) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:

(A) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

(B) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by (g)(i)(A) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in (g)(i)(A) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits excluding the replacement or repair of circuit breakers. The department may alter the scope of work for the restricted nonresidential maintenance specialty by rule. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in (g)(i)(A) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(C) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

(ii) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(d). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(14)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010,

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

showing that the individual has received both certifications. No other experience or training requirements may be imposed.

(iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:

(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and

(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.

(h) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journey level electrician certificate of competency.

(i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

(j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

(k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours."

On page 6, beginning on line 31, strike all of sections 3 and 4 and insert the following:

"NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1)2020 c 153 s 26 and 2018 c 249 s 1;

(2)2018 c 249 s 2;

(3)2018 c 249 s 3;

(4)RCW 19.28.195 (Examination—Exception for equivalent training and experience) and 2018 c 249 s 4;

(5)2020 c 153 s 30 (uncodified);

(6)2018 c 249 s 5 (uncodified); and

(7)2020 c 153 s 31 (uncodified)."

On page 1, line 3 of the title, after "19.28.195;" insert "repealing 2020 c 153 s 26 and 2018 c 249 ss 1, 2, and 3; repealing 2018 c 249 s 5 (uncodified) and 2020 c 153 ss 30 and 31 (uncodified); and providing an expiration date."

Senator Short spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1169 by Senator Short on page 1, line 6 to Substitute Senate Bill No. 5599.

The motion by Senator Short did not carry and amendment no. 1169 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following amendment no. 1172 by Senator Braun be adopted:

On page 2, line 3, after "(i)" strike "Successfully" and insert "(A) For an applicant residing, at the time of application, in a county with a population of 250,000 or more as of the effective date of this section, successfully"

On page 2, after line 25, insert the following:

"(B) For an applicant residing, at the time of application, in a county with a population of fewer than 250,000 as of the effective date of this section, worked in the electrical construction trade for

a minimum of 8,000 hours. Four thousand of the hours shall be new electrical installations in industrial or commercial facilities:"

Senators Braun, Warnick, Wagoner, Sheldon and Dozier spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1172 by Senator Braun on page 2, line 3 to Substitute Senate Bill No. 5599.

The motion by Senator Braun did not carry and amendment no. 1172 was not adopted by voice vote.

#### MOTION

Senator King moved that the following amendment no. 1175 by Senator King be adopted:

On page 2, line 3, after "(i)" strike "Successfully" and insert "(A) Except for applicants covered under (c)(i)(B) of this subsection, successfully"

On page 2, after line 25, insert the following:

"(B) Until July 1, 2026, journey level electrical trainees who, by July 1, 2023, have worked 4,000 hours under supervision in accordance with RCW 19.28.161, may continue to work under the supervision of a licensed electrician, consistent with the supervision requirements of RCW 19.28.161, and may qualify to take the examination for a journey level certificate of competency without completing an apprenticeship upon completion of 8,000 hours in the electrical construction trade, 4,000 of which must be in new electrical installations in industrial or commercial facilities;"

On page 6, after line 12, insert the following:

**"Sec. 2.** RCW 19.28.161 and 2018 c 249 s 2 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2)(a) A person who is: (i) Registered in an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade or is learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B); (ii) learning the electrical construction trade while working in a specialty; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) or (f) for a journey level certificate of competency may work in the electrical construction trade if supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph

of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(e). A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c)(i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(ii) Unless working in a specialty or as an individual learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B), apprentices and individuals learning the electrical construction trade must also have in their possession proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and is (b) unless working in a specialty, (i) registered in an approved journey level apprenticeship program, as appropriate; ~~((ii))~~ (ii) learning the electrical construction trade in a program described in RCW 19.28.191(1)(e) for a journey level certificate of competency; or (iii) learning the electrical construction trade under RCW 19.28.191(1)(c)(i)(B). Supervision shall consist of a person being on the same jobsite and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same jobsite as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one jobsite is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same jobsite as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(d)(ii). When the ratio of certified electricians to noncertified individuals on a jobsite is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same jobsite as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 34, after "**Sec. 4.**" strike "Section 1 of this act takes" and insert "Sections 1 and 2 of this act take"

On page 1, line 2 of the title, after "19.28.191" insert "and 19.28.161"

Senators King, Wagoner and Short spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1175 by Senator King on page 2, line 3 to Substitute Senate Bill No. 5599.

The motion by Senator King did not carry and amendment no. 1175 was not adopted by voice vote.

## MOTION

Senator Van De Wege moved that the following amendment no. 1148 by Senator Van De Wege be adopted:

On page 6, beginning on line 13, after "The" strike all material through "RCW," on line 14 and insert "department of labor and industries"

On page 6, beginning on line 20, after "the" strike all material through "subcommittee," on line 21 and insert "department of labor and industries"

On page 6, line 25, strike "apprenticeship council" and insert "department of labor and industries"

On page 6, line 27, after "the" strike "apprenticeship council" and insert "department of labor and industries"

On page 6, after line 30, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 19.28 RCW to read as follows:

Beginning no later than September 1, 2022, the department of labor and industries must:

(1) Conduct an outreach program to educate employers and electrical trainees about the changes to the requirements for the journey level electrician certification taking effect on July 1, 2023; and

(2) Offer technical assistance to employers and training agents to increase apprenticeship capacity for interested electrical trainees to meet the requirements for the journey level electrician certification taking effect July 1, 2023."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW 19.28.191;" insert "adding a new section to chapter 19.28 RCW;"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1148 by Senator Van De Wege on page 6, line 13 to Substitute Senate Bill No. 5599.

The motion by Senator Van De Wege carried and amendment no. 1178 was adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1170 by Senator Wagoner be adopted:

On page 6, at the beginning of line 35, strike "2023" and insert "2025"

On page 6, after line 35, insert the following:

"**Sec. 5.** 2020 c 153 s 30 (uncodified) is amended to read as follows:

Section 25 of this act expires July 1, ((2023)) 2025.

**Sec. 6.** 2018 c 249 s 5 (uncodified) is amended to read as follows:

Sections 1 through 4 of this act take effect July 1, ((2023)) 2025.

**Sec. 7.** 2020 c 153 s 31 (uncodified) is amended to read as follows:

Section 26 of this act takes effect July 1, ((2023)) 2025."

On page 1, line 2 of the title, after "19.28.191;" insert "amending 2020 c 153 s 30, 2018 c 249 s 5, and 2020 c 153 s 31 (uncodified);"

Senator Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1170 by Senator Wagoner on page 6, line 35 to Substitute Senate Bill No. 5599.

The motion by Senator Wagoner did not carry and amendment no. 1170 was not adopted by voice vote.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

Senators Wagoner, King, Muzzall, Honeyford and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5599.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5817, by Senators Frockt, Dhingra, Lias and Stanford

Restricting the use of synthetic media in campaigns for elective office.

The measure was read the second time.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 5817 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

Senator Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5817.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5817 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Brown, Fortunato, Holy, McCune, Padden, Short, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5817, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5411, by Senator Stanford

Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls.

#### MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 5411 was substituted for Senate Bill No. 5411 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 5411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Warnick and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5411.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5839, by Senators Padden, Van De Wege, Wagoner and Wilson, L.

Creating the crime of interfering with a firefighter or emergency medical services provider.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Randall spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

#### POINT OF INQUIRY

Senator Hasegawa: "I was just wondering if senator Padden would concede to a question?"

President Heck: "Senator Padden, will you yield to a question?"

Senator Padden: "I'll yield. I'm not sure I'll have the right answer, but I'll go ahead and yield. I trust Senator Hasegawa."

Senator Hasegawa: "Yeah, no, I was just wondering if it is your intention, I'm sorry, I hope I got the right prime sponsor on this bill, but whether it is your intention to, that this only is with regard to emergency medical services providers performing his or her official duties pertaining to the medical emergency?"

Senator Padden: "Well that is my understanding. I'd also add that this has to be done intentionally under the language of the bill. So, with knowledge that the other person is a firefighter or emergency medical service provider, and they intentionally are preventing or attempting to prevent them from performing their own official duties. The committee did add, as part of the substitute, emergency medical technicians and paramedics. Also, it applies to paid or volunteer firefighters. So, I hope that somewhat answers your question Senator Hasegawa."

Senator Hasegawa: "Not exactly, but thank you for your response, I appreciate it."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5839.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen and without objection, pursuant to Rule 18, the Committee on Rules was relieved of further consideration of Senate Bill No. 5974, addressing transportation resources, and the measure was made a special order of business of the day to be considered at 4:55 p.m.

#### SECOND READING

SENATE BILL NO. 5715, by Senators Wellman, Sheldon, Randall and Wilson, C.

Modifying the definition of broadband or broadband service.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5715.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5823, by Senators Das, Robinson, Keiser, Kuderer, Nguyen and Nobles

Addressing local infrastructure project areas.

The measure was read the second time.

#### MOTION

On motion of Senator Das, the rules were suspended, Senate Bill No. 5823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.  
Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5823.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5823 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5909, by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford

Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts.

The measure was read the second time.

#### MOTION

Senator Braun moved that the following amendment no. 1182 by Senator Braun be adopted:

On page 4, beginning on line 4, after "(5)" strike all material through "session" on line 7 and insert "No order or orders under subsection (1) of this section may continue for longer than 90 days if the legislature is not in session, unless extended in writing by at least three of the four members of the leadership of the senate and the house of representatives"

Senators Braun, Short, Wagoner, Fortunato, Padden, Wilson, L. and Dozier spoke in favor of adoption of the amendment.  
Senator Hunt spoke against adoption of the amendment.

#### POINT OF ORDER

Senator Frockt: "I think that is out of order, Mr. President. To say that the governor or any one person, elected official has ruined lives. I don't think that's fair."

#### RULING BY THE PRESIDENT

President Heck: "I would just like to remind the members that what the rules provide for is that all remarks be addressed to the

measure pending before the body. Please proceed Senator Dozier."

Senators Dozier, Gildon, and Wilson, J. spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 4, line 4 to Senate Bill No. 5909.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Wilson, L. moved that the following striking amendment no. 1147 by Senator Wilson, L. be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.06.210 and 2013 c 21 s 1 are each amended to read as follows:

(1) The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature.

(2) The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended.

(3) The state of emergency shall cease to exist upon ~~(the)~~ any of the following:

(a) The issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected;

(b) If the legislature is in session, through passage of a concurrent resolution terminating the state of emergency; or

(c) If the legislature is not in session and it has been more than 90 days since the state of emergency was declared by the governor, termination of the state of emergency in writing by all four members of the leadership of the senate and house of representatives. For the purposes of this section, "leadership of the senate and the house of representatives" means the majority

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

and minority leaders of the senate and the speaker and minority leader of the house of representatives.

**Sec. 2.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The sale, purchase or dispensing of alcoholic beverages;

(f) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(g) The use of certain streets, highways or public ways by the public; and

(h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in the following areas:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes;

(f) Permits for industrial, business, or medical uses of alcohol; and

(g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may

impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) No order or orders (~~concerning waiver or suspension of statutory obligations or limitations~~) under subsection (1) or (2) of this section may continue for longer than thirty days unless extended by the legislature through concurrent resolution. If the legislature is not in session, the (~~waiver or suspension of statutory obligations or limitations~~) order or orders may be extended in writing by at least three of the four leaders of the leadership of the senate and the house of representatives until the legislature can extend the (~~waiver or suspension~~) order or orders by concurrent resolution. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

**Sec. 3.** RCW 43.79.270 and 2021 c 334 s 972 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) (~~During the 2021-2023 fiscal biennium, whenever~~) Whenever any money in the amount of \$5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget

approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on the proposed allotment amendment before approving under RCW 43.79.280.

**NEW SECTION. Sec. 4.** (1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following 16 members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.

(2) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

**NEW SECTION. Sec. 5.** The purpose of the joint legislative unanticipated revenue oversight committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys received by the state from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.

**NEW SECTION. Sec. 6.** (1) The joint legislative unanticipated revenue oversight committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days.

(2) The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time.

(3) The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(4) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the

office of financial management with five calendar days' notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(5) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

**NEW SECTION. Sec. 7.** Sections 4 through 6 of this act constitute a new chapter in Title 44 RCW.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "receipts;" strike the remainder of the title and insert "amending RCW 43.06.210, 43.06.220, and 43.79.270; adding a new chapter to Title 44 RCW; and declaring an emergency."

Senators Wilson, L., Short, Fortunato, Braun and Sefzik spoke in favor of adoption of the striking amendment.

#### POINT OF ORDER

Senator Billig: "I believe, I would like to ask you to remind the gentleman about not impugning the motives. While the rule in our Senate is to not impugn the motives of other senators, I think we should extend the same in referencing a villain of another elected official in our state, I think, is going too far. And would ask that you remind him of the rules in Reed's Rules that the purpose of debate is to create unanimity of thought on a debate. Thank you."

#### RULING BY THE PRESIDENT

President Heck: "Senator Billig, the President deeply appreciates your reminder that all members of this body have, uphold standards of decorum. The President would like to offer my observation that in the nearly fourteen months that I have had the privilege to stand up here, I have been nothing but proud to be associated with each and every one of you, because of the manner in which you conduct yourselves on this floor. Trust me, coming where I come from, it has been a delight. And, Senator Sefzik, as generationally entertaining I think it is to invoke a Star Wars analogy, I do want to remind you, and again all members, that while it is true as Senator Billig suggests, there is no rule prohibiting impugning the motives of somebody who is not a member of this body, the President finds it is not in good taste, and would ask you all, please, before this spins out of control, to keep remarks to the body of the amendment before us or the measures before us. Senator Sefzik, please proceed."

Senators Sefzik, Padden, Gildon and Wilson, J. spoke in favor of adoption of the striking amendment.

Senators Hunt and Liias spoke against adoption of the striking amendment.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

Senator Sheldon spoke on the adoption of the striking amendment.

## MOTION

Senator Wilson, L. demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Wilson, L. to Senate Bill No. 5909.

## ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Wilson, L. and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

## MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senators Wagoner and Muzzall spoke against passage of the bill.

## POINT OF ORDER

Senator Billig: "I'm wondering if you could rule on whether the gentleman is speaking to the amendment or to the bill before us."

## RULING BY THE PRESIDENT

President Heck: "Senator Muzzall. Thank you, Senator Billig. Senator Muzzall, there is probably no one on this floor that enjoys your folksy manner more than the President but, if I may quote the judge on an infinite number of *Law and Order* episodes, 'Get to the point.'"

Senator Muzzall: "As soon as I read the definition, Mr. President?"

President Heck: "Please proceed."

Senators Muzzall, Wilson, L., Wilson, J., and Braun spoke against passage of the bill.

Senators Billig and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5909.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Robinson, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 3:49 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 3:55 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## SECOND READING

SENATE BILL NO. 5964, by Senators Mullet, Kuderer, Gildon and Saldaña

Concerning consolidated local permit review processes.

## MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5964 was substituted for Senate Bill No. 5964 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Fortunato and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5964.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5964 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5762, by Senators Wagoner, Lovick and Nobles

Creating the purple star award.

#### MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5762 was substituted for Senate Bill No. 5762 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5762.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5762 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5800, by Senators Schoesler, Padden and Rolfes

Modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies.

The measure was read the second time.

#### MOTION

Senator Schoesler moved that the following amendment no. 1153 by Senator Schoesler be adopted:

Beginning on page 13, line 1, strike all of section 6  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 17, line 30, strike all of section 9  
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 6 of the title, after "82.08.025661," strike all material through "82.12.820," on line 7 and insert "82.08.9997, 82.12.02685,"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1153 by Senator Schoesler on page 13, line 1 to Senate Bill No. 5800.

The motion by Senator Schoesler carried and amendment no. 1153 was adopted by voice vote.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5800.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5818, by Senators Salomon, Lias, Kuderer, Saldaña and Short

Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act.

#### MOTIONS

On motion of Senator Salomon, Substitute Senate Bill No. 5818 was substituted for Senate Bill No. 5818 and the substitute bill was placed on the second reading and read the second time.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5818.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Rivers, Robinson, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Randall, Rolfes, Saldaña and Trudeau

SUBSTITUTE SENATE BILL NO. 5818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Hasegawa, Hunt, Nguyen, Saldaña and Stanford

Concerning a national infrastructure bank.

The measure was read the second time.

## MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Hasegawa spoke in favor of passage of the memorial.  
Senator Dozier spoke on passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8006.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5844, by Senators Liias, Holy, Lovick, Nobles and Wilson, C.

Concerning work performed by institutions of higher education.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5844.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5825, by Senators Kuderer, Das, Lovelett, Nobles and Wilson, C.

Establishing a rental and vacant property registration program work group.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.  
Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5825.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5545, by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

Concerning survivor benefits.

The measure was read the second time.

#### MOTION

On motion of Senator Wagoner, the rules were suspended, Senate Bill No. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5545.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5643, by Senators Schoesler, Braun, Dozier, Rivers, Short, Wagoner and Wellman

Supporting youth development.

#### MOTIONS

On motion of Senator Schoesler, Second Substitute Senate Bill No. 5643 was substituted for Senate Bill No. 5643 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Second Substitute Senate Bill No. 5643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5643.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5643 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5972, by Senators Warnick and Van De Wege

Concerning extending the expiration date of a statute dealing with wildlife conflict resolution.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5972.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5758, by Senators Gildon and Rivers

Concerning condominium conversions.

## MOTION

On motion of Senator Gildon, Substitute Senate Bill No. 5758 was substituted for Senate Bill No. 5758 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Trudeau moved that the following amendment no. 1023 by Senator Trudeau be adopted:

On page 2, beginning on line 10, after "homeownership." strike all material through "commission." on line 15 and insert "The program must assist tenants in multifamily residential buildings that are planned to be converted to condominium ownership by providing information and resources relating to homeownership. The commission must refer such tenants to its home loan and down payment assistance programs as well as any applicable homebuyer education seminars available through local partnerships. The commission may establish income eligibility requirements for tenants and qualifying purchase price thresholds under the program that are consistent with the requirements and thresholds under existing commission programs."

On page 2, after line 15, insert the following:

**NEW SECTION. Sec. 3.** A new section is added to chapter 64.34 RCW to read as follows:

A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, must provide a conversion condominium notice of the conversion to the Washington state housing finance commission no later than 120 days before the residential tenants and any residential subtenant in possession of a portion of a conversion condominium are required to vacate.

**NEW SECTION. Sec. 4.** A new section is added to chapter 64.90 RCW to read as follows:

A declarant or dealer who intends to offer units in a conversion building must provide a conversion building notice of the conversion to the Washington state housing finance commission no later than 120 days before the residential tenants and any residential subtenant in possession of a portion of a conversion building are required to vacate.

**Sec. 5.** RCW 64.34.440 and 2008 c 113 s 1 are each amended to read as follows:

(1)(a) A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion condominium notice of the conversion and provide those persons with the public offering

statement no later than ~~((one hundred twenty))~~ 120 days before the tenants and any subtenant in possession are required to vacate. The notice must:

(i) Set forth generally the rights of tenants and subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040; ~~((and))~~

(iii) Inform the residential tenants and subtenants about the resources and information available under the condominium conversion tenant-to-homeowner program created in section 2 of this act; and

(iv) Expressly state whether there is a county or city relocation assistance program for tenants or subtenants of conversion condominiums in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion condominiums.

(b) No tenant or subtenant may be required to vacate upon less than ~~((one hundred twenty))~~ 120 days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all tenants in a single building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with ~~((thirty))~~ 30 days' notice. In such case, tenants continue to have access to relocation assistance under subsection (6)(e) of this section.

(d) Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in (a) of this subsection to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of conversion condominium projects proposed in the jurisdiction.

(2) For ~~((sixty))~~ 60 days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that ~~((sixty-day))~~ 60-day period, the offeror may offer to dispose of an interest in that unit during the following ~~((one hundred eighty))~~ 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant only if: (a) Such offeror, by written notice mailed to the tenant's last known address, offers to sell an interest in that unit at the more favorable price and terms, and (b) such tenant fails to accept such offer in writing within ten days following the mailing of the offer to the tenant. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of

the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415(1)(a), the public offering statement shall contain a copy of the written inspection report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within ~~((forty-five))~~ 45 days of the declarant's written request therefor and said report shall be issued within ~~((fourteen))~~ 14 days of said inspection being made. Such inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding ~~((twenty-four))~~ 24 months; and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a);

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ~~((ten))~~ 10 percent of the actual cost of making the repairs required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom;

(e)(i) A declarant shall pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the tenant's or subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to tenants and subtenants:

(A) Who do not elect to purchase a unit;

(B) Who are in lawful occupancy for residential purposes of a unit; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to ~~((eighty))~~ 80 percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located; or

(II) If the condominium is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance;

(ii) Elderly or special needs tenants who otherwise meet the requirements of (e)(i)(A) of this subsection shall receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the tenant, up to a maximum of ~~((one thousand five hundred dollars))~~ \$1,500 in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the tenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible tenants, and declarants shall provide the relocation assistance to tenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance;

(iii) For the purposes of this subsection (6)(e):

(A) "Special needs" means, but is not limited to, a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care; and

(B) "Elderly" means a person who is at least ~~((sixty-five))~~ 65 years of age;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer shall not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to be converted to a condominium during the ~~((one hundred twenty day))~~ 120-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of converting the condominium, not work that is done to maintain the building or lot for the residential use of the existing tenants or subtenants;

(ii) "Occupied building" means a stand-alone structure occupied by tenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

(g)(i) If a declarant or dealer has offered existing tenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building, (B) to repair or remodel a vacant unit or common area for use as a sales office, or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the tenant's or subtenant's rights of quiet enjoyment during the ~~((one hundred twenty day))~~ 120-day notice period.

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

**Sec. 6.** RCW 64.90.655 and 2018 c 277 s 412 are each amended to read as follows:

(1)(a) A declarant or dealer who intends to offer units in a conversion building must give each of the residential tenants and any residential subtenants in possession of a portion of a conversion building notice of the conversion and provide those persons with the public offering statement no later than ~~((one hundred twenty))~~ 120 days before the tenants and any subtenants in possession are required to vacate. The notice must:

(i) Set forth generally the rights of residential tenants and residential subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040;

(iii) Inform the residential tenants and subtenants about the resources and information available under the condominium conversion tenant-to-homeowner program created in section 2 of this act; and

(iv) Expressly state whether there is a county or city relocation assistance program for residential tenants or residential subtenants of conversion buildings in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion buildings.

(b) A residential tenant or residential subtenant may not be required to vacate upon less than ~~((one hundred twenty))~~ 120 days' notice, except by reason of nonpayment of rent, waste, or conduct that disturbs other residential tenants' or residential subtenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all residential tenants and residential subtenants in a single conversion building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, residential tenants and residential subtenants continue to have access to relocation assistance under subsection (6)(e)(i) of this section.

(d)(i) Nothing in this subsection (1) waives or repeals RCW 59.18.200(2)(b).

(ii) Failure to give notice as required under this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in this subsection (1) to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of common interest communities containing conversion buildings in the jurisdiction.

(2)(a) For ~~((sixty))~~ 60 days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice must offer to convey each unit or proposed unit occupied for residential use to the residential tenant or residential subtenant who leases that unit. If a residential tenant or residential subtenant fails to purchase the unit during that ~~((sixty day))~~ 60-day period, the offeror may offer to dispose of an interest in that unit during the following ~~((one hundred eighty))~~ 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the residential tenant or residential subtenant only if:

(i) Such offeror, by written notice mailed to the residential tenant's or residential subtenant's last known address, offers to sell an interest in that unit at the more favorable price and terms; and

(ii) Such residential tenant or residential subtenant fails to accept the offer in writing within ~~((ten))~~ 10 days following the mailing of the offer to the tenant or subtenant.

(b) This subsection (2) does not apply to any unit in a conversion building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no actual knowledge of the violation, the recording of the deed conveying the unit, or, in a cooperative, the conveyance of the unit, extinguishes any right a residential tenant or residential subtenant may have under subsection (2) of this section to purchase that unit, but does not affect the right of a residential tenant or residential subtenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified under chapter 59.18 RCW.

(5) This section does not permit termination of a lease or sublease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.90.025, a city or county may by appropriate ordinance require with respect to any conversion building within the jurisdiction of the city or county that:

(a) In addition to the statement required under RCW 64.90.620(1)(a), the public offering statement must contain a copy of a written inspection report of that building prepared by the appropriate department of the city or county listing any violations of the housing code or other governmental regulation that is applicable regardless of whether the real property is owned as a common interest community or in some other form of ownership. The inspection must be made within ~~((forty five))~~ 45 days of the declarant's written request, and the report must be issued within ~~((fourteen))~~ 14 days of the inspection being made. The inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding ~~((twenty four))~~ 24 months, and any fee imposed for the making of such inspection may not

exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a).

(b) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by the city or county, must be repaired; and

(ii) A certification must be obtained from the city or county that such repairs have been made. The certification must be based on a reinspection to be made within seven days of the declarant's written request and be issued within seven days of the reinspection being made;

(c) The repairs required to be made under (b) of this subsection must be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) The declarant must establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ~~((ten))~~ 10 percent of the actual cost of making the repairs required under (b) of this subsection;

(ii) During the one-year warranty period, the funds in the account must be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty;

(iii) Following the expiration of the one-year warranty period, any funds remaining in the account must be immediately disbursed to the declarant; and

(iv) The declarant must notify in writing the association and the city or county as to the location of the account and any disbursements from the account;

(e)(i) A declarant must pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the residential tenant's or residential subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to residential tenants or residential subtenants:

(A) Who do not elect to purchase a unit in the common interest community;

(B) Who are in lawful occupancy for residential purposes of a unit in the conversion building; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to ~~((eighty))~~ 80 percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the conversion building is located; or

(II) If the conversion building is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit must be based on the number of persons actually in lawful occupancy of the unit. The residential tenant or residential subtenant actually in lawful occupancy of the unit is entitled to the relocation assistance. Relocation assistance must be paid on or before the date the residential tenant or residential subtenant vacates and is in addition to any damage deposit or other compensation or refund to which the residential tenant or residential subtenant is otherwise entitled. Unpaid rent

or other amounts owed by the residential tenant or residential subtenant to the landlord may be offset against the relocation assistance.

(ii) Elderly residential tenants or residential subtenants and residential tenants or residential subtenants with special needs who otherwise meet the requirements of (e)(i)(A) of this subsection must receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the residential tenant or residential subtenant, up to a maximum of ~~((one thousand five hundred dollars))~~ \$1,500 in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the residential tenant or residential subtenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible residential tenants or residential subtenants, and declarants must provide the relocation assistance to residential tenants or residential subtenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance.

(iii) For the purposes of this subsection (6)(e):

(A) "Elderly" means a person who is at least ~~((sixty-five))~~ 65 years of age; and

(B) "Special needs" means a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer may not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to become a conversion building during the ~~((one hundred twenty day))~~ 120-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit in the common interest community and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of establishing or selling units in a conversion building, and does not mean the work that is done to maintain the building or lot for the residential use of the existing residential tenants or residential subtenants; and

(ii) "Occupied building" means a stand-alone structure occupied by residential tenants or residential subtenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing residential tenants or residential subtenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building; (B) to repair or remodel a vacant unit or common element for use as a sales office; or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the residential tenants' or residential subtenants' rights of quiet enjoyment during the ~~((one hundred twenty day))~~ 120-day notice period.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

(7) Violations of any city or county ordinance adopted as authorized under subsection (6) of this section gives rise to such remedies, penalties, and causes of action that may be lawfully imposed by the city or county. Such violations do not invalidate the creation of the common interest community or the conveyance of any interest in the common interest community."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, at the beginning of line 2 of the title, strike all material through "43.180 RCW;" and insert "64.34.440, 64.90.655, and 43.185B.020; adding a new section to chapter 43.180 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.90 RCW;"

Senators Trudeau and Gildon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1023 by Senator Trudeau on page 2, line 10 to Substitute Senate Bill No. 5758.

The motion by Senator Trudeau carried and amendment no. 1023 was adopted by voice vote.

## MOTION

On motion of Senator Gildon, the rules were suspended, Engrossed Substitute Senate Bill No. 5758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon, Kuderer and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5758.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5758 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Lovelett

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5593, by Senators Short, Lovelett, Gildon, Hasegawa and Mullet

Concerning urban growth area boundaries.

## MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 and the substitute bill was placed on the second reading and read the second time.

Senator Short moved that the following amendment no. 993 by Senator Short be adopted:

On page 4, at the beginning of line 23, strike all of subsection "(d)"

Senator Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 993 by Senator Short on page 4, line 23 to Substitute Senate Bill No. 5593.

The motion by Senator Short carried and amendment no. 993 was adopted by voice vote.

## MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5593.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of the special order of business having arrived, the President announced that Senate Bill No. 5974, addressing transportation resources, to be before the Senate for immediate consideration.

## SECOND READING

SENATE BILL NO. 5974, by Senators Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.

Addressing transportation resources.

## MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5974 was substituted for Senate Bill No. 5974 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Lovelett moved that the following amendment no. 1160 by Senator Lovelett be adopted:

On page 1, line 20, after "Sec. 1." insert "(1)"

On page 2, after line 6, insert the following:

"(2) Furthermore, the legislature intends that \$500,000,000 of the amounts identified for preservation and maintenance on LEAP Transportation Document 2022-B as developed February 14, 2022, must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium."

Senator Lovelett spoke in favor of adoption of the amendment.

Senator King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1160 by Senator Lovelett on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Lovelett carried and amendment no. 1160 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following amendment no. 1184 by Senator Hawkins be adopted:

On page 1, line 20, after "Sec. 1." insert "(1)"

On page 2, after line 6, insert the following:

"(2) In addition, the legislature intends, over the 16-year new move ahead WA investment program, to program funding from various resources in this act for the following projects, and that the respective list or lists be adjusted accordingly:

(a) \$85,000,000 for the Confluence Parkway Project in Wenatchee;

(b) \$30,000,000 for North Wenatchee Avenue Improvements – Phase 2 in Wenatchee;

(c) \$36,000,000 for the Wenatchi Landing Interchange in East Wenatchee;

(d) \$15,000,000 for US 2 Safety Improvements in the vicinity of Leavenworth; and

(e) \$4,000,000 for a US 2 Roundabout at Icicle Road in the vicinity of Leavenworth."

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1184 by Senator Hawkins on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Hawkins did not carry and amendment no. 1184 was not adopted by voice vote.

MOTION

Senator Hawkins moved that the following amendment no. 1185 by Senator Hawkins be adopted:

On page 1, line 20, after "Sec. 1." insert "(1)"

On page 2, after line 6, insert the following:

"(2) In addition, the legislature intends, over the 16-year new move ahead WA investment program, to provide \$85,000,000 for the Confluence Parkway Project in Wenatchee, and that the respective list or lists be adjusted accordingly."

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Pedersen and without objection, senators were limited to speaking but once and for no more than two minutes on each question under debate for the remainder of the day by voice vote.

The President declared the question before the Senate to be the adoption of amendment no. 1185 by Senator Hawkins on page 1, line 20 to Substitute Senate Bill No. 5974.

The motion by Senator Hawkins did not carry and amendment no. 1185 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 1177 by Senator King be adopted:

On page 6, at the beginning of line 31, strike "**Exported Fuel Tax,**"

Beginning on page 6, line 35, strike all of sections 201 through 206

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 121, beginning on line 25, strike all of section 511

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, beginning on line 2 of the title, after "70A.65.040," strike all material through "82.38.180," on line 3

On page 1, beginning on line 11 of the title, after "RCW;" strike "adding a new section to chapter 82.38 RCW;"

Senators King, Short, Sefzik, Schoesler and Braun spoke in favor of adoption of the amendment.

Senators Saldaña and Liias spoke against adoption of the amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 6, line 31, to Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator King and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

## MOTION

Senator King moved that the following amendment no. 1191 by Senator King be adopted:

On page 16, line 25, strike "\$50.00" and insert "\$20.00"  
 On page 16, line 28, strike "\$30.00" and insert "\$15.00"  
 On page 16, line 30, strike "\$20.00" and insert "\$10.00"  
 On page 16, line 32, strike "\$12.00" and insert "\$8.00"  
 On page 17, line 26, after "(3)" strike "\$40" and insert "\$10"  
 On page 17, line 27, after "and" strike "\$16" and insert "\$6"  
 On page 17, line 31, after "(4)" strike "\$20" and insert "\$5"  
 On page 17, line 32, after "and" strike "\$8" and insert "\$4"

Senators King and Braun spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1191 by Senator King on page 16, line 25 to Substitute Senate Bill No. 5974.

The motion by Senator King did not carry and amendment no. 1191 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1188 by Senator Short be adopted:

Beginning on page 19, line 15, strike all of section 211  
 Renumber the remaining sections consecutively and correct any internal references accordingly.  
 On page 121, line 20, after "sections" strike "211,"  
 On page 1, line 10 of the title, after "(unclassified);" strike all material through "46.20.202;"

Senators Short and Wagoner spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1188 by Senator Short on page 19, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1188 was not adopted by voice vote.

## MOTION

Senator Dhingra moved that the following amendment no. 1186 by Senator Dhingra be adopted:

On page 28, after line 21, insert the following:  
"(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings."

Senator Dhingra spoke in favor of adoption of the amendment.

## PERSONAL PRIVILEGE

Senator Saldaña: "It has come to my attention that we have lost the life of a tow truck driver today on I-5 going northbound this morning. And I just would like to have our members, I know the membership would want to know, and I would just like to share his name. His name is Joe Masterson. He was a father of 4. He worked for Fife service and towing for the past 6 years, and I just want to take a moment to acknowledge that even while we are in the midst of this big debate, over a very big bill, that we agree on a lot. About the importance of prioritizing safety, about making sure that our essential workers and our frontline workers, like our tow truck drivers, our firefighters, our emergency, our state patrol, those that are responding to people that are unhoused, that we agree that their lives are very important. And we need to make sure that our roadways are safe. And so, I just want to extend on behalf of our body, condolences and prayers and thinking well, and thinking fondly of his family who must be suffering greatly today. I also want to thank our state trooper Robert Meyer who was on the scene, and for all those that came and noticed and were impacted and would ask if we could take just a moment of silence."

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1186 by Senator Dhingra on page 28, after line 21 to Substitute Senate Bill No. 5974.

The motion by Senator Dhingra carried and amendment no. 1186 was adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1187 by Senator Short be adopted:

Beginning on page 29, line 17, strike all of sections 215 and 216  
 Renumber the remaining sections consecutively and correct any internal references accordingly.  
 On page 121, line 20, after "211" strike all material through "216" and insert "and 212"  
 On page 1, line 4 of the title, after "46.17.025," strike "46.20.200, 46.68.041,"

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1187 by Senator Short on page 29, line 17 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1187 was not adopted by voice vote.

## MOTION

Senator King moved that the following amendment no. 1178 by Senator King be adopted:

On page 76, beginning on line 15, after "2022" strike all material through "approval" on line 21

Senator King spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1178 by Senator King on page 76, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator King did not carry and amendment no. 1178 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 1179 by Senator Short be adopted:

Beginning on page 76, line 31, strike all of section 406

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 7 of the title, after "82.47.020," strike "35.21.870,"

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 76, line 31, to Substitute Senate Bill No. 5974.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Das moved that the following amendment no. 1171 by Senator Das be adopted:

On page 77, beginning on line 23, after "gas" strike all material through "telephone" on line 24 and insert "or steam energy"

Senator Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1171 by Senator Das on page 77, line 23 to Substitute Senate Bill No. 5974.

The motion by Senator Das carried and amendment no. 1171 was adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 1180 by Senator Short be adopted:

On page 79, line 7, after "section;" strike "~~(or)~~" and insert "or"

On page 79, beginning on line 8, after "RCW 36.73.120" strike all material through "RCW 82.14.0455" on line 10

Correct any internal references accordingly.

On page 80, beginning on line 31, after "election" strike all material through "use tax" on line 35

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1180 by Senator Short on page 79, line 7 to Substitute Senate Bill No. 5974.

The motion by Senator Short did not carry and amendment no. 1180 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following amendment no. 1159 by Senator Gildon be adopted:

On page 102, line 1, after "eliminated" insert "and funded by taxpayers"

On page 102, line 9, after "charge" insert ", as funded by taxpayers,"

On page 102, line 27, after "minimum, a" insert "taxpayer funded"

Senator Gildon spoke in favor of adoption of the amendment.

Senator Nguyen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1159 by Senator Gildon on page 102, line 1 to Substitute Senate Bill No. 5974.

The motion by Senator Gildon did not carry and amendment no. 1159 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following amendment no. 1183 by Senator Gildon be adopted:

On page 117, line 15, after "47.56.850." insert "The commission shall not consider adjusting the maximum Good to Go! toll rate to an amount above \$10."

Senators Gildon and King spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1183 by Senator Gildon on page 117, line 15 to Substitute Senate Bill No. 5974.

The motion by Senator Gildon did not carry and amendment no. 1183 was not adopted by voice vote.

#### MOTION

Senator Liias moved that the following amendment no. 1158 by Senator Liias be adopted:

On page 120, beginning on line 13, after "46.63.170" strike all material through "act," on line 14 and insert "~~((6)(e))~~"

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

Senators Liias and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1158 by Senator Liias on page 120, line 13 to Substitute Senate Bill No. 5974.

The motion by Senator Liias carried and amendment no. 1158 was adopted by voice vote.

## MOTION

Senator Van De Wege moved that the following amendment no. 1174 by Senator Van De Wege be adopted:

On page 120, after line 31, insert the following:

**"NEW SECTION. Sec. 433.** Washington state's target zero program envisions Washington having policies that will lead to zero deaths of people using the transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway system that have been proven in other locations to help reduce lane departures and fatalities. Sections 434 and 435 of this act are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a program that is focused on addressing this specific safety concern.

**NEW SECTION. Sec. 434.** A new section is added to chapter 47.04 RCW to read as follows:

(1)(a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements listed in (a) of this subsection on state, county, small city, or town roads in rural areas that have a high risk of having or actually have incidents of serious injuries or fatalities due to vehicle lane departures. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for

high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the new infrastructure is installed and evaluate the effectiveness of the safety improvements.

**Sec. 435.** RCW 46.68.060 and 2021 c 333 s 706 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, (~~and~~) chapters 46.72 and 46.72A RCW, and section 434 of this act. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account."

On page 1, line 9 of the title, after "70A.65.230," strike "and 46.68.480" and insert "46.68.480, and 46.68.060"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1174 by Senator Van De Wege on page 120, after line 31 to Substitute Senate Bill No. 5974.

The motion by Senator Van De Wege carried and amendment no. 1174 was adopted by voice vote.

## MOTION

Senator Padden moved that the following amendment no. 1181 by Senator Padden be adopted:

On page 120, after line 31, insert the following:

**"NEW SECTION. Sec. 433.** A new section is added to chapter 47.06A RCW to read as follows:

The freight mobility strategic investment board shall establish a railroad crossing grant program. The board shall develop a prioritization process to make awards to cities and counties with projects that eliminate at grade highway-rail crossings. Application to federal grant programs to secure matching funds must be one factor to be considered as part of the prioritization process, but the primary criteria must center on improving safety

and expediting the movement of vehicles by eliminating highway-rail crossing at grade with a grade separation."

On page 122, line 1, after "430," insert "433,"

On page 1, line 15 of the title, after "47.56 RCW;" insert "adding a new section to chapter 47.06A RCW;"

Senators Padden, Lias and Wilson, J. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1181 by Senator Padden on page 120, after line 31 to Substitute Senate Bill No. 5974.

The motion by Senator Padden carried and amendment no. 1181 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following striking amendment no. 1190 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(3)(a) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(b) For purposes of this subsection (3), "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310; and

(iv) Snowmobiles as defined in RCW 46.04.546.

~~(4) ((For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:~~

~~(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;~~

~~(b) Off road vehicles as defined in RCW 46.04.365;~~

~~(c) Nonhighway vehicles as defined in RCW 46.09.310; and~~

~~(d) Snowmobiles as defined in RCW 46.04.546.)) (a) Beginning July 1, 2022, all revenue collected under subsection (1) of this section on each new and used retail sale of a vehicle in this state, including private-party sales, but excluding retail car rentals taxed under subsection (2) of this section, must be deposited in the motor vehicle fund. All revenue collected under this subsection may only be used for highway purposes as defined in RCW 46.68.130. For the purposes of this subsection "highway purposes" also includes preservation.~~

~~(b) For purposes of this subsection (4), "vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:~~

~~(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;~~

~~(ii) Off-road vehicles as defined in RCW 46.04.365;~~

~~(iii) Nonhighway vehicles as defined in RCW 46.09.310;~~

~~(iv) Bicycles as defined in RCW 46.04.071; and~~

~~(v) Snowmobiles as defined in RCW 46.04.546.~~

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 2.** RCW 82.12.020 and 2017 c 323 s 520 are each amended to read as follows:

(1) There is levied and collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property acquired by the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)(c), excluding services defined as a retail sale in RCW 82.04.050(6)(c) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2) (a) or (g) or (6)(c), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

(6)(a) Beginning July 1, 2022, all use tax revenue collected under subsection (1) of this section on the use of each new and used vehicle in this state, but excluding retail car rentals taxed under RCW 82.08.020, must be deposited in the motor vehicle fund. All revenue collected under this subsection may only be used for highway purposes as defined in RCW 46.68.130.

(b) For purposes of this subsection (6):

(i) "Highway purposes" also includes preservation; and

(ii) "Vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

(A) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(B) Off-road vehicles as defined in RCW 46.04.365;

(C) Nonhighway vehicles as defined in RCW 46.09.310;

(D) Bicycles as defined in RCW 46.04.071; and

(E) Snowmobiles as defined in RCW 46.04.546.

**Sec. 3.** RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the fuel tax and/or the tax imposed under RCW 82.08.020(4) and 82.12.020(6) must be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount must be distributed monthly by the state treasurer in accordance with subsections (2) through (8) of this section.

(a) For payment of refunds of fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the fuel tax, which sums must be distributed monthly.

(2) All of the remaining net tax amount collected under RCW 82.38.030(1) must be distributed as set forth in (a) through (j) of this subsection.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(b)(i) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

(ii) The following criteria, listed in order of priority, must be used in determining which special category C projects have the highest priority:

(A) Accident experience;

(B) Fatal accident experience;

(C) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(D) Continuity of development of the highway transportation network.

(iii) Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (2)(b);

(c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(e) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 7.5597 percent;

(f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there must be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds must be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and must be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board must adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(3) The remaining net tax amount collected under RCW 82.38.030(2) must be distributed to the transportation 2003 account (nickel account).

(4) The remaining net tax amount collected under RCW 82.38.030(3) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(5) The remaining net tax amount collected under RCW 82.38.030(4) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(6) The remaining net tax amount collected under RCW 82.38.030 (5) and (6) must be distributed to the transportation partnership account created in RCW 46.68.290.

(7) The remaining net tax amount collected under RCW 82.38.030 (7) and (8) must be distributed to the connecting Washington account created in RCW 46.68.395.

(8) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on fuel.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.32 RCW to read as follows:

(1) By the last workday of the first and third calendar quarters, the state treasurer must transfer the amount specified in subsection (2) of this section from the general fund to the motor vehicle fund created in RCW 46.68.070. The first two transfers under this subsection must occur by September 30, 2022, and April 30, 2023.

(2)(a) The department must estimate the state general fund revenues derived from expenditures by the state department of transportation. The department must perform the estimate for tax collections in the immediately preceding third and fourth calendar quarters for the April transfer under subsection (1) of this section and tax collections in the immediately preceding first and second calendar quarters for the September transfer under subsection (1) of this section. The department must notify the state treasurer of this amount at least 20 days before the April or September transfer under subsection (1) of this section.

(b) For the purposes of this section, the following definitions apply:

(i) "Digital products" has the meaning provided in RCW 82.04.192.

(ii) "Expenditures by the state department of transportation" means amounts paid by the state department of transportation with respect to the purchase of any tangible personal property, digital products, or labor, which is subject to state sales or use tax.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 82.08.020, 82.12.020, and 46.68.090; adding a new section to chapter 82.32 RCW; and declaring an emergency."

**FISCAL IMPACT:** (1) Decreases Move Ahead WA Account and Move Ahead WA Account revenue of approximately \$5 billion over 16 years.

(2) Increases Motor Vehicle Fund revenues by approximately \$25.3 billion over 16 years.

(3) Decreases state general fund revenue by approximately \$25.3 billion over 16 years.

Senators Fortunato, Short, Wilson, J., Padden, Braun, King, Dozier, Wagoner, Sefzik, Wilson, L. and McCune spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fortunato to Substitute Senate Bill No. 5974.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Fortunato and the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

THIRTY SEVENTH DAY, FEBRUARY 15, 2022

2022 REGULAR SESSION

## MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

## POINT OF ORDER

Senator King: “Mr. President, I believe that Engrossed Substitute Senate Bill 5974 violates Senate Rule 25 because the bill embraces more than one subject. And may I offer a brief argument to this point?”

President Heck: “Please proceed.”

Senator King: “Thank you Mr. President. Engrossed Substitute Senate Bill 5974 is a lengthy bill that contains more than one subject, in violation of our Senate Rules. The bill before us covers at least thirty items, many of which focus on creating new or increasing current state and local transportation revenues. But some items, Mr. President, are far beyond the general subject of transportation resources. And others were originally included in separate measures during our current session. Engrossed Substitute Senate Bill 5974 contains the following dissimilar provisions. Sections 409 through 415 and Section 422. These provisions deal directly with the state’s clean fluids program, low carbon fuel standard, and are unrelated to the transportation resource provisions of this bill. Sections 424, 425, broadly expand the ability of cities to utilize traffic cameras and extends the permissible use of those cameras. Some of these new uses, namely expanding the use in school walk areas, were included in Senate Bill 5687 which passed the senate floor. It also extends the traffic camera program in Seattle, which was included in Senate Bill 5707. Also passed off this floor. While a bill may have a general title, the title itself does not control the purpose of determining whether a bill contains more than one subject. There must be a rational unity between the general subject and the incidental subdivisions. Finally, including measures that were originally stand-alone bills into a single omnibus bill may be evidence of the intent to bypass the single subject prohibition contained in Senate Rule 25. For these reasons, I respectfully request that you rule that Engrossed Substitute Senate Bill 5974 violates Senate Rule 25. I have some further documentation or information that I would bring to the dais. Thank you, Mr. President.”

President Heck: “In accordance with our tradition of allowing one explanation in support and in opposition, but no other debate: Further remarks? Senator Liias.”

Senator Liias: “Thank you Mr. President. I believe that Engrossed Substitute Senate Bill 5974 squarely falls within the Senate’s rules. We have a tradition here of passing omnibus revenue measures that embrace a number of issues. If you look at our other omnibus measures relating to transportation in the operating budget, you will see that this year. Also, when it comes to the single subject rule, we were intentionally clear in the title that this is a broad bill with many subjects related to transportation, so the reader of the bill will find it as no surprise when they read a title that says, ‘related to transportation resources,’ that there will be a number of different measures

included. So, we are being clear with those that read this. Our members, as the debate tonight shows us, our members have seen the broad variety of transportation subjects that are here all embraced under that subject and again it is an omnibus revenue bill where the various pieces are designed to both enhance and support transportation revenue for the people of Washington.”

At 6:41 p.m. the Senate was declared to be at ease subject to the call of the President for the purposes of granting the President the time necessary to consider the Point of Order made by Senator King.

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The Senate was called to order at 7:50 p.m. by President Heck.

## RULING BY THE PRESIDENT

President Heck: “In response to Senator King’s Point of Order that Engrossed Substitute Senate Bill 5974 contains more than one subject in violation of Senate Rule 25, the President finds and rules as follows:

Previous rulings in this body and Washington courts have indicated that the provisions in the bill must be rationally related to the measure’s overarching common purpose or subject, and that must be reflected in the title of the bill. Rational unity requires all matters in the bill to be germane to the title and to one another. If the title and subject of the bill is broad and general, the bill can include several ‘incidental’ subjects so long as those incidental subjects are related.

Turning to the bill, Engrossed Substitute Senate Bill 5974 has a broad title and subject and it deals in multiple ways with transportation revenue and resources. When interpreting Senate Rule 25, the President will give broad deference to the subjects included in an omnibus bill.

Omnibus bills are intended to cover wide variety of provisions that address the subject of the bill. This bill is no different.

Senator King has drawn our attention to Sections 409 through 415. These sections address the state’s Low Carbon Fuel Standards program. Section 409 of the bill addresses the existing clean fuel standards program.

Given the current uncertainty around the future of the clean fuel provisions and associated resources, the President finds that Section 409 of the bill assures the likelihood of additional future transportation resources and is rationally related to the subject of the bill.

Senator King also points to Sections 424 and 425 which expand the authority of cities to use traffic cameras. The President finds that the expansion will naturally lead to additional transportation revenues which clearly falls within the broad subject of transportation resources.

For these reasons, the President finds that Engrossed Substitute Senate Bill 5974 complies with Rule 25 and Senator King’s point is not well taken.”

Senators King, Braun, Sefzik and Honeyford spoke against passage of the bill.

## MOTION

Senator Pedersen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand, and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Pedersen carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5974.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:11 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:30 p.m. Wednesday, February 16, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## THIRTY EIGHTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, February 16, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

The prayer was offered by Rabbi David Basior, Kadima Reconstructionist Community, Seattle, guest of Senator Saldaña.

## MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45 (13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1286,  
and HOUSE BILL NO. 1761.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 15, 2022

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1051,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629,  
SECOND SUBSTITUTE HOUSE BILL NO. 1751,  
SECOND SUBSTITUTE HOUSE BILL NO. 1860,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1921,  
SUBSTITUTE HOUSE BILL NO. 2050,  
SUBSTITUTE HOUSE BILL NO. 2068,  
ENGROSSED HOUSE BILL NO. 2073,  
ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 2075,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

ESHB 1048 by House Committee on Civil Rights & Judiciary (originally sponsored by Wicks, Thai and Gregerson)

AN ACT Relating to the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute; amending RCW 9A.42.005; reenacting and amending RCW 26.44.020 and 26.44.020; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1162 by House Committee on Education (originally sponsored by Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan)

AN ACT Relating to creating new graduation credit and pathway options; amending RCW 28A.150.220 and 28A.655.250; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 1241 by House Committee on Local Government (originally sponsored by Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet)

AN ACT Relating to planning under the growth management act; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Housing & Local Government.

3SHB 1359 by House Committee on Commerce & Gaming (originally sponsored by Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri)

AN ACT Relating to temporarily reducing liquor license fees; amending RCW 66.24.420, 66.24.590, 66.24.600, 66.24.655, 66.24.690, 66.24.140, and 66.24.146; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1630 by House Committee on Civil Rights & Judiciary (originally sponsored by Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame)

AN ACT Relating to establishing restrictions on the possession of weapons in certain locations; amending RCW 9.41.280 and 9.41.305; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

E2SHB 1659 by House Committee on Appropriations (originally sponsored by Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J.,

Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame)

AN ACT Relating to making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security; amending RCW 28B.92.030 and 28B.92.205; adding a new section to chapter 28B.92 RCW; creating new sections; and repealing RCW 28B.92.060, 28B.92.070, and 28B.92.110.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1660 by House Committee on Local Government (originally sponsored by Shewmake, Ryu, Fitzgibbon, Ramel, Bateman, Gregerson, Goodman, Macri, Peterson, Simmons, Bergquist, Tharinger, Kloba, Pollet and Ormsby)

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.070, 36.70A.697, and 36.70A.698; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

HB 1666 by Representatives Wylie and Orcutt

AN ACT Relating to clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax; and amending RCW 82.12.010 and 82.04.450.

Referred to Committee on Ways & Means.

ESHB 1694 by House Committee on Environment & Energy (originally sponsored by Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame)

AN ACT Relating to logistical processes for the regulation of priority chemicals in consumer products; amending RCW 70A.350.050, 70A.350.030, 70A.350.020, and 70A.350.040; and adding a new section to chapter 70A.350 RCW.

Referred to Committee on Environment, Energy & Technology.

HB 1704 by Representatives Kirby, Vick, Ryu and Dufault

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.050, 48.110.055, 48.110.060, 48.110.070, 48.110.073, 48.110.075, 48.110.110, and 48.110.140.

Referred to Committee on Business, Financial Services & Trade.

SHB 1728 by House Committee on Appropriations (originally sponsored by Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt)

AN ACT Relating to reauthorizing and amending dates for the total cost of insulin work group; amending RCW 70.14.160; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

EHB 1744 by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

AN ACT Relating to collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care; amending RCW 42.56.010, 43.09.290, 41.40.010, 41.56.030, 41.80.005, 42.30.020, 39.26.010, 41.06.020, and 42.17A.005; reenacting and amending RCW 42.52.010; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

E2SHB 1812 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley)

AN ACT Relating to modernizing the energy facility site evaluation council to meet the state's clean energy goals; amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, 80.50.340, and 80.50.075; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; creating a new section; repealing RCW 80.50.190 and 80.50.904; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

EHB 1837 by Representatives Bronoske, Ortiz-Self, Berry and Pollet

AN ACT Relating to restoring the state's ability to address work-related musculoskeletal injuries; creating a new section; and repealing RCW 49.17.360 and 49.17.370.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1866 by House Committee on Health Care & Wellness (originally sponsored by Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt, Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame)

AN ACT Relating to assisting persons receiving community support services through medical assistance programs to receive supportive housing; amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

E2SHB 1868 by House Committee on Appropriations (originally sponsored by Riccelli, Volz, Berry, Fitzgibbon, Shewmake, Bateman, Berg, Bronoske, Callan, Cody, Davis, Duerr, Goodman, Gregerson, Johnson, J., Kirby, Macri, Peterson, Ramel, Ramos, Ryu, Santos, Sells, Senn, Sullivan, Simmons, Chopp, Bergquist, Graham, Valdez, Wicks, Dolan, Pollet,

THIRTY EIGHTH DAY, FEBRUARY 16, 2022

2022 REGULAR SESSION

Ortiz-Self, Paul, Stonier, Donaghy, Ormsby, Slatter, Hackney, Taylor, Harris-Talley, Kloba and Frame)

AN ACT Relating to improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new chapter to Title 49 RCW; creating a new section; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1928 by Representatives Schmick, Stokesbary, Sutherland, Wicks and Dent

AN ACT Relating to equine industry support; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1980 by House Committee on Appropriations (originally sponsored by Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp)

AN ACT Relating to removing the prohibition on providing employment services and community access services concurrently; amending RCW 71A.12.290; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2058 by Representatives Tharinger, Leavitt, Santos, Shewmake, Harris-Talley, Eslick and Lekanoff

AN ACT Relating to the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places; amending RCW 82.29A.130; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2064 by House Committee on Housing, Human Services & Veterans (originally sponsored by Peterson, Simmons, Chopp, Lekanoff and Taylor)

AN ACT Relating to security deposits and damages arising out of residential tenancies; reenacting and amending RCW 59.18.030; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing & Local Government.

HB 2074 by Representative Wylie

AN ACT Relating to fees collected from out-of-state residents who register off-road vehicles in Washington; and amending RCW 46.09.410 and 46.09.442.

Referred to Committee on Transportation.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Engrossed Substitute House Bill No. 1048 which had been designated to the Committee on Law & Justice and was referred to the Committee on Human Services, Reentry & Rehabilitation and Engrossed Substitute House Bill No. 1866 which had been designated to the Committee on Housing & Local Government and was referred to the Committee on Health & Long Term Care.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

## MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION  
8647

By Senators Saldaña, Liias, Hasegawa, Keiser, Lovick, Nobles, Pedersen, Robinson, Stanford, Wellman, and C. Wilson

WHEREAS, Mrs. Phyllis Little-Epamynondas has demonstrated a sustained commitment over more than 30 years of service toward the realization of health care as a human right for all, including the Black, Latino, and LGBTQAI communities; and

WHEREAS, Mrs. Phyllis started at POCAAN (People of Color Against AIDS Network) as a program manager in 1990 and assumed the role of executive director in 1998 and worked closely with the Washington State Department of Health and the Washington State Department of Corrections to start one of the first HIV medical case management programs focused on the BIPOC (Black, Indigenous, and People of Color) community, which worked to reduce the effects of HIV in communities of color, until her retirement in 2015; and

WHEREAS, Mrs. Phyllis' tenure as executive director at POCAAN was energetically focused on building community responses to the HIV epidemic, and her love for training others increased and expanded the BIPOC provider's response to HIV, ensuring access to a full range of opportunities that have significantly impacted the fight for an HIV free Washington State; and

WHEREAS, Under Mrs. Phyllis' leadership POCAAN's community outreach and engagement expanded programs like Brother-to-Brother, Sistah-to-Sistah, and Entre Hermanos, all of which have become 501(c)(3) organizations working to improve all the lives of Washington State citizens; and

WHEREAS, Mrs. Phyllis cared deeply for the Transgender Community in a time when the community had few allies; she hired a Black Trans Woman, Mrs. Vanessa Grandberry, and helped to form T-Time, a Black Trans program that distributed one of the nation's first newsletters focused on the Black Trans Community; and

WHEREAS, Mrs. Phyllis created and sustained programs during her tenure that supported BIPOC communities across the state, which led to the opening of three new offices in Spokane, Olympia, and Bremerton; and

WHEREAS, Mrs. Phyllis helped expand POCAAN's reach in Tacoma and Yakima, and grew the staff serving these communities to more than 50, many of whom still work in the community toward the eradication of HIV today; and

WHEREAS, Mrs. Phyllis redefined what care services look like in Washington State as an advocate for whole-person care, and expanded POCAAN's HIV services with the understanding

that related issues such as substance abuse, incarceration, homelessness, sexually transmitted diseases, racism, sexism, and homophobia also contribute to community marginalization and health disparities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby honor the lifelong commitment of this leader, advocate, trailblazer, and ambassador in the work of HIV Outreach and Education to BIPOC Communities across our state and to further recognize that her passing on November 24, 2021, leaves a deep void in the work to end HIV and other health inequities in Washington State; and

BE IT FURTHER RESOLVED, That the Senate express profound appreciation and enduring gratitude to Mrs. Phyllis, honor her rich legacy for health equity in communities of color, and recognize her influence on improving the lives of those affected by HIV here in Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the surviving family members of Mrs. Phyllis and to Steven Sawyer, executive director of POCAAN.

Senator Saldaña spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8647.

The motion by Senator Saldaña carried and the resolution was adopted by voice vote.

#### MOTION

At 1:40 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, February 17, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## THIRTY NINTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Thursday, February 17, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTION

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 16, 2022

SHB 1052 Prime Sponsor, Committee on Health Care & Wellness: Concerning group insurance contract performance standards. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 16, 2022

SHB 1074 Prime Sponsor, Committee on Health Care & Wellness: Concerning overdose and suicide fatality reviews. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Rules for second reading.

February 16, 2022

HB 1122 Prime Sponsor, Representative Lovick: Concerning the retirement age for state guard members. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

Referred to Committee on Rules for second reading.

February 16, 2022

SHB 1124 Prime Sponsor, Committee on Health Care & Wellness: Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 16, 2022

ESHB 1716 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning locations at which ballots may be cast. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

Referred to Committee on Rules for second reading.

February 16, 2022

SGA 9358 ALLEN W. HAYWARD, appointed on September 21, 2021, for the term ending December 31, 2025, as Member of the Public Disclosure Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Pedersen, the rules were suspended and the Committee on Rules was relieved of further consideration of the following measures listed on the report entitled "Bill Dispositions":

## BILL DISPOSITIONS

Senate Bill No. 5089; Senate Bill No. 5137; Senate Bill No. 5170; Senate Bill No. 5329; Senate Bill No. 5340; Senate Bill No. 5375; Senate Bill No. 5481; Senate Bill No. 5482; Senate Bill No. 5483; Senate Bill No. 5495; Senate Bill No. 5520; Senate Bill No. 5527; Senate Bill No. 5535; Senate Bill No. 5542; Senate Bill No. 5563; Senate Bill No. 5568; Senate Bill No. 5574; Senate Bill No. 5592; Senate Bill No. 5595; Senate Bill No. 5614; Senate Bill No. 5637; Senate Bill No. 5650; Senate Bill No. 5667; Senate Bill No. 5673; Senate Bill No. 5699; Senate Bill No. 5835; Senate Bill No. 5843; Senate Bill No. 5869; Senate Bill No. 5882; Senate Bill No. 5918; Senate Bill No. 5951; Second Substitute Senate Bill No. 5045; Second Substitute Senate Bill No. 5062; Substitute Senate Bill No. 5210; Substitute Senate Bill No. 5262; Senate Bill No. 5291; Engrossed Second Substitute Senate Bill No. 5395; Senate Bill No. 5029; Senate Bill No. 5079; Senate Bill No. 5098; Senate Bill No. 5129; Senate Bill No. 5130; Senate Bill No. 5182; Senate Bill No. 5326; Senate Bill No. 5348; Senate Bill No. 5380; Senate Bill No. 5526; Senate Bill No. 5580; Senate Bill No. 5604; Senate Bill No. 5663; Senate Bill No. 5691; Senate Bill No. 5712; Senate Bill No. 5724; Senate Bill No. 5730; Senate Bill No. 5733; Senate Bill No. 5784; Senate Bill No. 5826; Senate Bill No. 5827; Senate

Bill No. 5828; Senate Bill No. 5891; Senate Bill No. 5923; Senate Bill No. 5947; Senate Bill No. 5043; Engrossed Substitute Senate Bill No. 5065; Engrossed Substitute Senate Bill No. 5122; Engrossed Second Substitute Senate Bill No. 5188; and Senate Bill No. 5341 and the measures were placed in the Committee's X file without objection.

MOTION

On motion of Senator Pedersen, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 2, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN F. LEHMKUHL, appointed January 24, 2022, for the term ending December 31, 2026, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9404.

February 3, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MELANIE J. ROWLAND, appointed January 24, 2022, for the term ending December 31, 2026, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9405.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALLYSON L. BROOKS, appointed February 7, 2022, for the term ending September 30, 2026, as Member of The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9406.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAMES GROVES, appointed February 7, 2022, for the term ending September 30, 2024, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9407.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOCELYN P. MCCURTAIN COONEY, appointed February 7, 2022, for the term ending December 31, 2026, as Member of the Public Disclosure Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9408.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANN M. MCQUADE, appointed February 7, 2022, for the term ending September 30, 2026, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9409.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RODOLFO (RUDY) N. MENDOZA, appointed February 7, 2022, for the term ending August 2, 2027, as Member of the Lottery Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9410.

February 7, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALIZA MUNOZ ESTY, appointed February 7, 2022, for the term ending September 30, 2026, as Member of the Grays Harbor College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9411.

February 8, 2022

THIRTY NINTH DAY, FEBRUARY 17, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PHYLICIA HANCOCK-LEWIS, appointed February 8, 2022, for the term ending September 30, 2026, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9412.

February 11, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL O. FINLEY, reappointed February 11, 2022, for the term ending September 30, 2027, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9413.

February 11, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAY J. MANNING, reappointed February 11, 2022, for the term ending September 30, 2027, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9414.

February 11, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOLLY J. WILLIAMS, appointed February 11, 2022, for the term ending December 31, 2026, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9415.

## MOTION

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1181,  
ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1736,  
ENGROSSED HOUSE BILL NO. 1784,  
ENGROSSED HOUSE BILL NO. 1931,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

HB 1051 by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1629 by House Committee on Community & Economic Development (originally sponsored by Dolan, Wylie, Shewmake, Duerr, Walen and Chase)  
AN ACT Relating to a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments; and creating new sections.

Referred to Committee on State Government & Elections.

2SHB 1751 by House Committee on Appropriations (originally sponsored by Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet)

AN ACT Relating to hazing prevention and reduction at institutions of higher education; amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1860 by House Committee on Appropriations (originally sponsored by Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez)

AN ACT Relating to preventing homelessness among persons discharging from inpatient behavioral health settings; amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

ESHB 1921 by House Committee on Finance (originally sponsored by Ramel, Boehnke, Fitzgibbon, Shewmake, Kloba and Young)

AN ACT Relating to the valuation of property related to renewable energy for the purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.12 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SHB 2050 by House Committee on Appropriations (originally sponsored by Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks)

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.16.085 and 13.40.220.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2068 by House Committee on Children, Youth & Families (originally sponsored by Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba)

AN ACT Relating to creating the imagination library of Washington program; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

EHB 2073 by Representatives Steele and Tharinger

AN ACT Relating to establishing the state capitol committee as an advisory entity of state government; amending RCW 43.34.010, 43.34.015, 43.34.080, 43.34.090, 79.24.030, 79.24.060, 79.24.087, 79.24.300, 79.24.530, 79.24.560, 79.24.570, 79.24.650, 43.17.070, 79.24.710, 79.24.720, 47.02.010, and 79.24.600; adding a new section to chapter 43.34 RCW; adding a new section to chapter 43.19 RCW; recodifying RCW 79.24.300; and repealing RCW 43.34.040, 43.82.020, 79.24.085, 79.24.310, 79.24.320, 79.24.330, 79.24.340, 79.24.410, 79.24.450, 79.24.500, 79.24.510, 79.24.520, 79.24.540, and 79.24.550.

Referred to Committee on State Government & Elections.

E2SHB 2075 by House Committee on Appropriations (originally sponsored by Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland)

AN ACT Relating to establishing service requirements for the department of social and health services; adding a new section to chapter 74.04 RCW; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

#### MOTION

Senator Fortunato moved adoption of the following resolution:

#### SENATE RESOLUTION 8652

By Senator Fortunato

WHEREAS, U.S. Ambassador Michael McCarthy recognized the 200th Anniversary of the arrival of free Black men, women, and children from the United States to Providence Island in 1822; and

WHEREAS, The Bicentennial commemorates the special relationship between Liberia and the United States, two of the oldest republics in the world, maintaining strong historical, political, and economic ties for the past 200 years with nearly 80,000 people of Liberian descent calling America home; and

WHEREAS, The Liberian people, having faced significant adversity throughout their history, have sought to maintain the highest ideals of a free and democratic society; and

WHEREAS, Liberia celebrated a first peaceful transition of power since 1944 in the 2017 election; and

WHEREAS, The Liberian people have worked tirelessly to build and safeguard their liberty, rich history, and institutions; and

WHEREAS, The United States and its citizens have supported investments in democratic institutions, education, health care, and the general welfare of the Liberian people;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize that the United States and Liberia have abundant accomplishments to be proud of and to look forward to advance future generations to better our countries; and

BE IT FURTHER RESOLVED, That the Washington State Senate commend and congratulate Liberia for working to preserve democracy in West Africa for 200 years.

Senator Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

The motion by Senator Fortunato carried and the resolution was adopted by voice vote.

#### MOTION

Senator Randall moved adoption of the following resolution:

#### SENATE RESOLUTION 8653

By Senators Randall and Nobles

WHEREAS, The Women's Army Corps (WAC) was the women's branch of the United States Army, created as an auxiliary unit in May of 1942 and converted to full status as the WAC in 1943; and

WHEREAS, These women faced opposition by both the conservative leadership of the Army and general public opinion; and

THIRTY NINTH DAY, FEBRUARY 17, 2022

WHEREAS, Approximately 150,000 American women served in World War II, the first women, other than nurses, to serve in the Army; and

WHEREAS, These groundbreaking women were highly valued by generals such as General Douglas MacArthur and General Dwight Eisenhower who said, "their contributions in efficiency, skill, spirit and determination are immeasurable"; and

WHEREAS, Other branches of the United States military had women's units including the Navy (WAVES), the Coast Guard (SPARS), the (civilian) Women Airforce Service Pilots (WASP), and Women in Air Force (WAF); and

WHEREAS, The WAC disbanded in 1978, allowing women to serve in the same units alongside the men; and

WHEREAS, Women have only been allowed in or near combat situations since 1994, when United States Defense Secretary Les Aspin ordered the removal of "substantial risk of capture" from the list of grounds for excluding women from certain military units; and

WHEREAS, Women who served our country through these long years deserve our respect and gratitude both for their contributions to our military and for the furtherance of women's rights and equality in the United States; and

WHEREAS, The Executive Board of the Retired Public Employees Council of Washington has designated June 12th Women Veterans Day as a way to recognize the groundbreaking service of women in the military;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in recognition of the courageous service of these women, join the Retired Public Employees Council of Washington in celebrating the day.

Senator Randall spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Randall carried and the resolution was adopted by voice vote.

#### MOTION

At 12:45 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Friday, February 18, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FORTIETH DAY****AFTERNOON SESSION**

Senate Chamber, Olympia  
Friday, February 18, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll.

The Nisei Veterans Committee Color Guard presented the Colors from Nisei Veterans Committee Memorial Hall, Seattle. The Color Guard was comprised of Mr. Rick Takeuchi; Mr. Terry Yapple; Mr. Allen Nakamoto; Mr. Dale Kaku; Mr. Atsushi Kiuchi; Mr. Michael Yaguchi; Mr. Craig Dougherty; and Mr. Walt Tanimoto.

The Senate was led in the Pledge of Allegiance by Boy Scout Troop 252 comprised of Danilo Murata; Ervin Nagai; Sebastien Kaku; Theo Kaku; and Alexander Bertelsen.

The prayer was offered by Reverend Taijo Imanaka, Head Priest, Seattle Koyasan Buddhist Temple.

**MOTION**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 17, 2022

E2SHB 1099 Prime Sponsor, Committee on Appropriations: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 17, 2022

HB 1105 Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators McCune, Assistant Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Wagoner.

Referred to Committee on Rules for second reading.

February 17, 2022

ESHB 1175 Prime Sponsor, Committee on Finance: Providing a property tax exemption for real property used as a host home associated with a host home program. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

February 16, 2022

SHB 1286 Prime Sponsor, Committee on Health Care & Wellness: Adopting the psychology interjurisdictional compact. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Rules for second reading.

February 17, 2022

ESHB 1333 Prime Sponsor, Committee on Finance: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 17, 2022

HB 1376 Prime Sponsor, Representative Fey: Concerning registration of land titles. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 17, 2022

SHB 1389 Prime Sponsor, Committee on Consumer Protection & Business: Concerning transportation. Reported by Committee on Transportation

FORTIETH DAY, FEBRUARY 18, 2022

2022 REGULAR SESSION

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Business, Financial Services & Trade.

February 17, 2022

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 17, 2022

SHB 1508 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning the sanitary control of shellfish. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

February 17, 2022

HB 1612 Prime Sponsor, Representative Sells: Making technical cross-reference corrections in statutes governing unemployment insurance. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1613 Prime Sponsor, Representative Sells: Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1625 Prime Sponsor, Representative Bronoske: Specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

February 17, 2022

SHB 1642 Prime Sponsor, Committee on College & Workforce Development: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Lias and Sefzik.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1648 Prime Sponsor, Representative Vick: Replacing an inactive certificate status with an inactive license designation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1700 Prime Sponsor, Representative Paul: Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

February 17, 2022

SHB 1706 Prime Sponsor, Committee on Transportation: Concerning truck drivers ability to access restroom facilities. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Labor, Commerce & Tribal Affairs.

February 17, 2022

HB 1719 Prime Sponsor, Representative Bronoske: Concerning use and acquisition of military equipment by law enforcement agencies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 17, 2022

SHB 1725 Prime Sponsor, Committee on Public Safety: Concerning the creation of an endangered missing person advisory designation for missing indigenous persons. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 17, 2022

SHB 1735 Prime Sponsor, Committee on Public Safety: Modifying the standard for use of force by peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 16, 2022

HB 1761 Prime Sponsor, Representative Schmick: Allowing nurses to dispense opioid overdose reversal medication in the emergency department. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra; Nobles and Warnick.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1798 Prime Sponsor, Representative Ryu: Concerning powers of the legislative committee on economic development and international relations. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1805 Prime Sponsor, Representative Paul: Concerning the opportunity scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 17, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

Referred to Committee on Ways & Means.

February 17, 2022

HB 1927 Prime Sponsor, Representative Riccelli: Creating leave provisions for legislative service. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1934 Prime Sponsor, Representative Fey: Allowing tribal governments to participate in exchange agreements without certain restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 17, 2022

SHB 2050 Prime Sponsor, Committee on Appropriations: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

FORTIETH DAY, FEBRUARY 18, 2022

2022 REGULAR SESSION

Referred to Committee on Ways &amp; Means.

February 17, 2022

HB 2061 Prime Sponsor, Representative Ormsby: Adding permanently affordable housing to the definition of public improvements. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sefzik and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Wilson, J.

Referred to Committee on Rules for second reading.

February 17, 2022

SGA 9338 BEN BAGHERPOUR, reappointed on October 1, 2021, for the term ending September 30, 2025, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 17, 2022

SGA 9400 GARY D. CHANDLER, appointed on January 25, 2022, for the term ending September 30, 2026, as Member of the Big Bend Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45 (13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SECOND SUBSTITUTE HOUSE BILL NO. 1860.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Substitute House Bill No. 1725 and House Bill No. 1805 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

On motion of Senator Pedersen, the rules were suspended and the Committee on Rules was relieved of further consideration of Senate Bill No. 5576 and the measure was placed in the Committee's X file.

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

E2SHB 1181 by House Committee on Appropriations (originally sponsored by Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan)

AN ACT Relating to establishing programs and measures to prevent suicide among veterans and military members; adding new sections to chapter 43.60A RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1736 by House Committee on Appropriations (originally sponsored by Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame)

AN ACT Relating to establishing a state student loan program; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

EHB 1784 by Representative Thai

AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

EHB 1931 by Representative Fey

AN ACT Relating to sustaining hydropower license fees; and amending RCW 90.16.050.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

#### MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION  
8649

By Senator Hasegawa

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed ten mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets; experienced immeasurable physical and psychological harm as individuals and collectively as a community; and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the 80th anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase ". . .with liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senator Hasegawa spoke in favor of adoption of the resolution.

The President recognized and welcomed The Honorable Steve Hobbs, Secretary of State, a former member of the Senate, present near the rear of the Chamber for the day's observances.

Senator Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Hasegawa carried and the resolution was adopted by voice vote.

MOTION

At 12:56 p.m., on motion of Senator Pedersen, the Senate adjourned until 11:45 a.m. Monday, February 21, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FORTY THIRD DAY**

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**AFTERNOON SESSION**

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Senate Chamber, Olympia  
Monday, February 21, 2022

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTION**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 18, 2022

ESHB 1041 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning sunshine committee recommendations regarding juveniles. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

February 18, 2022

ESHB 1629 Prime Sponsor, Committee on Community & Economic Development: Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senator Wilson, J., Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

February 18, 2022

SHB 1646 Prime Sponsor, Committee on Health Care & Wellness: Continuing the work of the dementia action collaborative. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking

Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 18, 2022

HB 1651 Prime Sponsor, Representative Thai: Allowing providers to bill separately for immediate postpartum contraception. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 18, 2022

SHB 1675 Prime Sponsor, Committee on Health Care & Wellness: Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 18, 2022

SHB 1703 Prime Sponsor, Committee on Appropriations: Modernizing the statewide 911 emergency communications system. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 18, 2022

SHB 1708 Prime Sponsor, Committee on Health Care & Wellness: Concerning facility fees for audio-only telemedicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 18, 2022

SHB 1747 Prime Sponsor, Committee on Children, Youth & Families: Supporting relative placements in child welfare proceedings. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

February 18, 2022

HB 1748 Prime Sponsor, Representative Entenman: Concerning aged, blind, or disabled program eligibility for victims of human trafficking. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 18, 2022

HB 1755 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions during times of high unemployment. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Dozier; Saldaña and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and McCune.

Referred to Committee on Rules for second reading.

February 18, 2022

2SHB 1818 Prime Sponsor, Committee on Appropriations: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senator Dozier.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and McCune.

Referred to Committee on Ways & Means.

February 18, 2022

SHB 1878 Prime Sponsor, Committee on Appropriations: Increasing public school participation in the community eligibility provision of the United States department

of agriculture. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

February 18, 2022

HB 1894 Prime Sponsor, Representative Harris-Talley: Concerning the period for juvenile diversion agreements. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 18, 2022

HB 1920 Prime Sponsor, Representative Wicks: Concerning investigations of child abuse or neglect at residential facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 18, 2022

SHB 1980 Prime Sponsor, Committee on Appropriations: Removing the prohibition on providing employment services and community access services concurrently. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

February 18, 2022

SHB 2046 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning ethics in public service rules governing certain legislative activity. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated

FORTY THIRD DAY, FEBRUARY 21, 2022

2022 REGULAR SESSION

with the exception of House Bill No. 1748 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

On motion of Senator Pedersen, the Senate advanced to the third order of business.

#### MESSAGES FROM OTHER STATE OFFICERS

**Commerce, Department of** – “*Clean Buildings Legislative Report*”, pursuant to 19.27A.210 RCW; “*Skilled Worker Grant Program: 2021 Annual Report*”, pursuant to 43.329.050 RCW; “*Unexpected Fatality Review Committee Report - 2021-003*”, in accordance with Engrossed Substitute Senate Bill No. 5119;

**Education, Washington State Board of** – “*High School Graduation Requirements Emergency Waiver Program: Graduation Class of 2021 Final Report*”, pursuant to 28A.230.320 RCW;

**Health Care Authority** – “*Intensive Outpatient Services Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Drug Price Transparency Program: Annual Report 2022*”, pursuant to 43.71C RCW; “*Draft Technical and Operational Plan; National 988 System: Crisis Call Center & Behavioral Health Integrated Referral System*”, in accordance with Engrossed Second Substitute House Bill No. 1477; “*Preliminary Report on Best Telehealth Practices for Pediatric Behavioral Health: Workplan*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Insurance Commissioner, Office of the** – “*Medical Malpractice Claims Data - Statistical Summaries and Annual Report Extension Letter*”, in accordance with Second Substitute House Bill No. 2292;

**Social & Health Services, Department of** – “*Naturalization Services -- 2021 Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092; “*Behavioral Health Capital Projects Status Report*”, in accordance with Engrossed Substitute Senate Bill No. 5092;

**Transportation, Department of** – “*Diesel Fuel Hedging, FY 2021*”, pursuant to 47.60.830 RCW; “*Commercial Aviation Coordinating Commission 2022 Report*”, in accordance with Substitute Senate Bill No. 5165;

**Washington State University College of Veterinary Medicine** – “*Elk Hoof Disease: Report 2021*”, in accordance with Senate Bill No. 5474.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5979 by Senator Braun

AN ACT Relating to establishing the K-12 intensive tutoring grant program; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

#### MOTION

Senator Schoesler moved adoption of the following resolution:

#### SENATE RESOLUTION 8645

By Senators Schoesler, Dozier, Frockt, Honeyford, King, Nobles, Wagoner, and Warnick

WHEREAS, Bill Schillinger grew up on a dryland wheat farm south of Odessa, Washington; and

WHEREAS, Bill Schillinger earned a bachelor's degree in Communications from Eastern Washington University, and a master's degree in Agronomy from the University of California, Davis, then worked for the United States Agency for International Development in Africa and Asia for 10 years, before returning to the United States to earn a PhD in Agronomy from Oregon State University; and

WHEREAS, Dr. Schillinger began working at the Washington State University dryland research station in Lind, Washington on January 1, 1993; and

WHEREAS, Dr. Schillinger was the principal investigator of three multidisciplinary long-term dryland and irrigated cropping systems experiments; and

WHEREAS, During Dr. Schillinger's long career there, the Washington State University dryland research station did groundbreaking research on combatting wind erosion, including conservation-till and no-till farming methods; alternative crops to winter wheat and other extensive long-term research projects, including a cropping systems study 25 years in the making and a winter pea study that is in its 12th year; and soil and residue management practices to increase water storage and efficient use of precipitation; and

WHEREAS, Dr. Schillinger published many articles about the research he and others did at the Washington State University dryland research station; and

WHEREAS, Bill Schillinger has devoted his professional life to helping farmers flourish on the low amount of precipitation that much of eastern Washington receives each year; and

WHEREAS, Bill Schillinger retired on January 7, 2022, after 29 years as a scientist and director at the Washington State University dryland research station;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Doctor Bill Schillinger on his long career, during which he significantly helped many Washington farmers and our state's agriculture industry.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

#### MOTION

Senator Pedersen moved adoption of the following resolution:

#### SENATE RESOLUTION 8651

By Senator Fortunato

WHEREAS, The Democratic Republic of Congo sent a congressional delegation to Washington state, extending a hand of friendship to create stronger trade and economic partnerships; and

WHEREAS, The delegation toured our state's agricultural centers, manufacturing facilities, and visited the Grand Coulee Dam and other infrastructural sites; and

WHEREAS, The Democratic Republic of Congo is making great strides to improve the social and economic welfare of its people with a renewed commitment to democratic principles, emerging from a period of internal strife that has seen the displacement of millions of Congolese; and

WHEREAS, Washington state has warmly received these immigrants who number in the top five of resettled populations to our state, with an estimated 8,000 Congolese refugees who live, work, and call Washington state home; and

WHEREAS, These refugees are served by the Congolese Integration Network, which was founded five years ago to facilitate the social, economic, cultural, and spiritual integration of Congolese immigrants and refugees into American society by providing access to critical resources to empower this community; and

WHEREAS, The network continues to advocate for resources to support its community in the construction of a healing center where those suffering from trauma can feel safe and recover from their mental, physical, and spiritual wounds;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the progress of the fledgling democracy in the Democratic Republic of Congo working toward the betterment of its citizens and to promote peace and justice and highlight the work of the Congolese Integration Network in its efforts to support refugees in Washington.

Senator Pedersen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Pedersen carried and the resolution was adopted by voice vote.

#### MOTION

At 12:00 o'clock noon, on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Tuesday, February 22, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FORTY FOURTH DAY**

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AFTERNOON SESSION

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Senate Chamber, Olympia  
 Tuesday, February 22, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen and without objection, the Committee on Law & Justice was granted special leave to continue to meet during the day's floor session.

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2022

SB 5651 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 21, 2022

E2SHB 1153 Prime Sponsor, Committee on Appropriations: Addressing language access in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

February 21, 2022

2SHB 1210 Prime Sponsor, Committee on Commerce & Gaming: Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor;

Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 21, 2022

SHB 1617 Prime Sponsor, Committee on State Government & Tribal Relations: Aligning state and school holidays. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

February 21, 2022

SHB 1759 Prime Sponsor, Committee on Education: Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senator McCune.

Referred to Committee on Rules for second reading.

February 21, 2022

SHB 1779 Prime Sponsor, Committee on Labor & Workplace Standards: Requiring policies addressing surgical smoke. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 21, 2022

SHB 1794 Prime Sponsor, Committee on Labor & Workplace Standards: Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 21, 2022

HB 1834 Prime Sponsor, Representative Callan: Concerning student excused absences for mental health reasons. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 21, 2022

SHB 1867 Prime Sponsor, Committee on Education: Concerning dual credit program data. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

#### MOTION

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

Pursuant to Emergency Senate Rule I, Senator Billig moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 5651, concerning the capital budget, and the measure be placed on the day's second reading calendar; and, further, that, for purposes of Senate Rule 53, the measure be considered to have been placed on the calendar at 12:31 p.m., Tuesday, February 22, 2022.

Hearing no objection, the President declared the motion carried and the measure was placed on the day's second reading calendar.

EDITOR'S NOTE: Senate Rule 53 requires the omnibus operating, omnibus capital, and omnibus transportation budgets remain on the second reading calendar at least twenty-four hours before further action is taken.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5980 by Senators Carlyle and Randall

AN ACT Relating to providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses; amending RCW 82.04.4451; and creating new sections.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

#### MOTION

Senator Das moved adoption of the following resolution:

#### SENATE RESOLUTION 8643

By Senators Das and Dhingra

WHEREAS, Shree Saini is our reigning Miss World America and is the official representative of the United States of America at Miss World; and

WHEREAS, Shree is the first Indian American to proudly represent America at Miss World in the 70 years of Miss World history; and

WHEREAS, The 70th Miss World will be held on March 16, 2022, in Puerto Rico; and

WHEREAS, Shree's nonprofit and community service work has gained her the highest distinction at Miss World, where she won the "Beauty with a Purpose" community service award, alongside five other nations, out of 123 countries; and

WHEREAS, This honor has put Shree Saini in the top 15 semi-finalists; and

WHEREAS, Miss World is the largest and oldest philanthropic pageant that has raised and donated over 1.3 billion dollars; and

WHEREAS, Shree Saini has an online presence of nearly 500,000 followers, where she consistently posts encouraging content; and

WHEREAS, Shree Saini's two major life adversities guided her to develop a more empathetic heart and lead a life of service. At age 12, Shree survived heart surgery for a permanent pacemaker implant and was told she would need eight more heart surgeries in her lifetime. In college, she survived a near fatal car accident that left her with bleeding facial wounds; and

WHEREAS, Shree has spoken about her life story and given encouraging messages in hundreds of cities, including 30+ states and eight countries. Shree has volunteered with hundreds of nonprofits including Clean Water, USO, Paralyzed Veterans of America, Make A Wish, UNICEF, Victoria's Voice Foundation, American Heart Association, Children's Right And YOU,

FORTY FOURTH DAY, FEBRUARY 22, 2022

2022 REGULAR SESSION

Doctors Without Borders, Special Olympics, homeless shelters, and several Anti Human Trafficking nonprofits; and

WHEREAS, Shree has raised more than \$200,000 for dozens of nonprofits, including \$50,000 for Variety Children's Charity; and

WHEREAS, Shree was able to do this by volunteering weekly for years and making phone calls to encourage people to be more empathetic and donate; and

WHEREAS, Money raised helped to provide medical treatment to underserved and critically ill children; and

WHEREAS, Shree graduated from the University of Washington with a degree in journalism, while being a visiting student at Harvard, Yale, and Stanford Universities; and

WHEREAS, Shree works as a manager at her small woman and minority owned family business. Shree loves to mentor her young team members while they apply at different colleges; and

WHEREAS, Shree has constructed one of the largest USA flags in Washington state to honor our veterans, the flag dedication ceremony was attended by thousands, including veterans, government officials, and members of the army, navy, air force, and other armed forces; and

WHEREAS, Shree believes that she will not only be representing the 333 million Americans but also 3.5 billion Indians at Miss World 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington wish Shree Saini, Miss World America, success at the 70th Miss World Pageant on March 16th in Puerto Rico.

Senators Das and Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Das carried and the resolution was adopted by voice vote.

#### MOTION

Senator Randall moved adoption of the following resolution:

#### SENATE RESOLUTION 8655

By Senator Randall

WHEREAS, Jan Yoshiwara is retiring as executive director of the Washington State Board for Community and Technical Colleges on July 31, 2022; and

WHEREAS, Jan's retirement caps an honorable and impactful 44-year career serving Washington's community and technical college students and the 34 local colleges that serve them; and

WHEREAS, Jan is dedicated to providing higher education opportunities for people of all ages and backgrounds for whom a college credential can make the greatest change in the trajectory of their lives and the lives of their families; and

WHEREAS, Jan attended high school and college in California during a time of excitement, change, and social activism in the 1960s and early 1970s; and

WHEREAS, Jan was influenced by the civil rights movement and decided to work at the intersection of civil rights and higher education by serving students who may not have the same opportunities as others because of financial hardships, language barriers, race, or ethnicity; and

WHEREAS, Under Jan's leadership, Washington's community and technical college system put racial equity at the front and center of its mission; and

WHEREAS, Due to Jan's leadership, Washington's community and technical colleges are part of a national reform movement called "Guided Pathways" to increase retention and completion rates for all students, especially students of color; and

WHEREAS, Under Jan's visionary direction, Washington became one of the first states in the nation to offer applied bachelor's degrees, allowing students to build on 2-year professional degrees and earn bachelor's degrees close to home; and

WHEREAS, Jan was at the forefront of the community and technical college system's adoption of a performance-based funding model that awards colleges funds when students reach key momentum points leading to a credential; and

WHEREAS, Jan established a research division within the State Board to ensure the community and technical college system is transparent, accountable, and data-driven; and

WHEREAS, Jan's reforms are helping to move more students from K-12, through college, and into careers and universities, thereby uplifting the lives of the people who live, work, and innovate in Washington; and

WHEREAS, Jan has shepherded the community and technical college system through sweeping changes with a mix of grace, expertise, and collaboration that has won the affection and respect of all those who work with her;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its deepest gratitude to Jan Yoshiwara for a life-long career serving students, colleges, employers, and communities in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Jan Yoshiwara and members of the State Board for Community and Technical Colleges.

Senators Randall and Hasegawa spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Randall carried and the resolution was adopted by voice vote.

#### MOTION

At 12:52 p.m., on motion of Senator Pedersen, the Senate adjourned until 1:00 o'clock p.m. Wednesday, February 23, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FORTY FIFTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, February 23, 2022

The previous day's adjournment motion notwithstanding, the Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Students of Ruby Bridges Elementary School, Woodinville, led the Senate in the Pledge of Allegiance. Taught by Ms. Jaclyn Berg, the fourth grade class were guests of Senator Dhingra.

The prayer was offered by Rabbi Yosef Schtroks, Chabad Jewish Center of Olympia.

## MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 22, 2022  
SSB 5085 Prime Sponsor, Committee on  
Transportation: Modifying certain alternative fuel vehicles fees.  
Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2022  
ESHB 1048 Prime Sponsor, Committee on Civil Rights &  
Judiciary: Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

February 22, 2022  
EHB 1165 Prime Sponsor, Representative Ryu:  
Concerning the Washington credit union act. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 22, 2022  
2SHB 1173 Prime Sponsor, Committee on Capital  
Budget: Concerning state lands development authorities.  
Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Lovick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Ways & Means.

February 22, 2022  
ESHB 1619 Prime Sponsor, Committee on Environment  
& Energy: Concerning appliance efficiency standards. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Lias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato and Schoesler.

Referred to Committee on Rules for second reading.

February 22, 2022  
SHB 1623 Prime Sponsor, Committee on Environment  
& Energy: Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Lias; Lovick; Nguyen; Schoesler; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2022  
HB 1647 Prime Sponsor, Representative Tharinger:  
Concerning the building for the arts program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa;

FORTY FIFTH DAY, FEBRUARY 23, 2022

2022 REGULAR SESSION

Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2022  
SHB 1655 Prime Sponsor, Committee on Transportation: Encouraging the opening of safety rest areas to the public. Reported by Committee on Transportation

February 22, 2022  
E2SHB 1736 Prime Sponsor, Committee on Appropriations: Establishing a state student loan program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Holy, Ranking Member and Sefzik.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 22, 2022  
HB 1669 Prime Sponsor, Representative Stokesbary: Concerning disability benefits in the public safety employees' retirement system. Reported by Committee on Ways & Means

February 22, 2022  
ESHB 1753 Prime Sponsor, Committee on Environment & Energy: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Stanford and Wellman.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 22, 2022  
HB 1765 Prime Sponsor, Representative Chopp: Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption. Reported by Committee on Ways & Means

February 22, 2022  
ESHB 1673 Prime Sponsor, Committee on Community & Economic Development: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Stanford and Wellman.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2022  
SHB 1701 Prime Sponsor, Committee on Appropriations: Concerning law enforcement officers' and firefighters' retirement system benefits. Reported by Committee on Ways & Means

February 22, 2022  
HB 1785 Prime Sponsor, Representative Fey: Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt;

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 22, 2022

HB 1804 Prime Sponsor, Representative Paul: Concerning interruptive military service credit for members of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2022

2SHB 1835 Prime Sponsor, Committee on Appropriations: Creating outreach and completion initiatives to increase postsecondary enrollment. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 22, 2022

HB 1874 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 22, 2022

HB 1899 Prime Sponsor, Representative Kirby: Concerning confidentiality of certain data shared with the department of financial institutions. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 22, 2022

2SHB 1905 Prime Sponsor, Committee on Appropriations: Reducing homelessness for youth and young adults discharging from a publicly funded system of care. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

February 22, 2022

HB 1978 Prime Sponsor, Representative Duerr: Concerning shoreline master program review schedules. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Brown; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2022

2SHB 2008 Prime Sponsor, Committee on Appropriations: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

February 22, 2022

HB 2033 Prime Sponsor, Representative Donaghy: Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 22, 2022

SHB 2057 Prime Sponsor, Committee on Transportation: Strengthening diversity, equity, and inclusion in the state patrol workforce. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Hawkins and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato; Holy; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

February 22, 2022

FORTY FIFTH DAY, FEBRUARY 23, 2022

2022 REGULAR SESSION

ESHB 2059 Prime Sponsor, Committee on Consumer Protection & Business: Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate. (REVISED FOR ENGROSSED: Concerning real estate broker duties.) Reported by Committee on Business, Financial Services & Trade

By Senators Wagoner, Braun, Dhingra, Dozier, Gildon, Hasegawa, Holy, Honeyford, Keiser, King, Muzzall, and Schoesler

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Lovick and Wilson, L.

WHEREAS, The United States and the people of Taiwan are bonded by their shared commitment to democracy, human rights, the rule of law, and a free market economy; and

WHEREAS, Taiwan is the 9th largest trading partner of the United States, with bilateral trade totaling \$90.6 billion in 2020, while both sides welcomed the resumption of high-level trade engagement and expressed a desire to work closely together; and

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair and Frockt.

WHEREAS, In 2020, Washington State exported approximately \$1.36 billion worth of products to Taiwan, making Taiwan the 5th largest export market for the State in Asia, and both sides are committed to strengthening bilateral economic ties; and

Referred to Committee on Rules for second reading.

WHEREAS, Taiwan is the 6th largest export destination for United States agricultural goods, and has ranked among the top three importers of Washington poultry, potatoes, and beef; and

February 22, 2022  
SHB 2068 Prime Sponsor, Committee on Children, Youth & Families: Creating the imagination library of Washington program. Reported by Committee on Human Services, Reentry & Rehabilitation

WHEREAS, Taiwanese companies that invest in Washington State, including WaferTech, Eva Air, Evergreen Marine, Yang Mine Marine Transport, and Lightel Technologies, and etc., have helped to create more than 15,000 jobs in this State; and

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

WHEREAS, The United States Congress passed the landmark Taiwan Relation Act (TRA) in 1979 to sustain a close, bilateral relationship as well as to advance mutual security and commercial interests between the United States and Taiwan; and

Referred to Committee on Rules for second reading.

WHEREAS, Based on the principles of the United States-Taiwan Education Initiative in 2020, Taiwan has intentions to further collaborate with the State of Washington on education, cultural, and tourism exchanges by signing memorandums of understanding to promote a bilingual learning environment for both sides; and

February 22, 2022  
E2SHB 2075 Prime Sponsor, Committee on Appropriations: Establishing service requirements for the department of social and health services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Saldaña and Trudeau.

WHEREAS, The United States has assisted Taiwan in participating in the World Health Organization, the International Civil Aviation Organization, and the International Criminal Police Organization, and will continue to support Taiwan's meaningful participation in these and other international organizations;

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

NOW, THEREFORE, BE IT RESOLVED:

Referred to Committee on Rules for second reading.

(1) That the Washington State Senate recognize the importance of a strong and enduring relationship with the people of Taiwan; and

(2) That the Washington State Senate reiterate its support for a closer economic and trade relationship between the United States and the people of Taiwan; and

(3) That the Washington State Senate support Taiwan's participation in international organizations that impact the global trade, health, safety, and the well-being of the twenty-three million people in Taiwan.

MOTION

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 1173 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

Senators Wagoner, Rivers, and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Wagoner carried and the resolution was adopted by voice vote.

MOTION

Senator Wagoner moved adoption of the following resolution:

MOTION

SENATE RESOLUTION

8654

At 1:17 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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The Senate was called to order at 1:51 p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Holy moved that Alejandro Alcantar, Senate Gubernatorial Appointment No. 9342, be confirmed as a member of the Washington Student Achievement Council.

Senator Holy spoke in favor of the motion.

#### APPOINTMENT OF ALEJANDRO ALCANTAR

The President declared the question before the Senate to be the confirmation of Alejandro Alcantar, Senate Gubernatorial Appointment No. 9342, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of Alejandro Alcantar, Senate Gubernatorial Appointment No. 9342, as a member of the Washington Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Sheldon

Alejandro Alcantar, Senate Gubernatorial Appointment No. 9342, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wilson, C. moved that Cheryl Angeletti-Harris, Senate Gubernatorial Appointment No. 9354, be confirmed as a member of the Clemency and Pardons Board.

Senators Wilson, C. and Padden spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

#### APPOINTMENT OF CHERYL ANGELETTI-HARRIS

The President declared the question before the Senate to be the confirmation of Cheryl Angeletti-Harris, Senate Gubernatorial Appointment No. 9354, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Cheryl Angeletti-Harris, Senate Gubernatorial Appointment No. 9354, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Cheryl Angeletti-Harris, Senate Gubernatorial Appointment No. 9354, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

#### SECOND READING

#### SENATE BILL NO. 5651, by Senator Frockt

Concerning the capital budget.

#### MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5651 was substituted for Senate Bill No. 5651 and the substitute bill was placed on the second reading and read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt and without objection, floor amendment no. 1193 by Senator Frockt on page 134, line 25 to Substitute Senate Bill No. 5651 was withdrawn.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Honeyford and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5651.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

FORTY FIFTH DAY, FEBRUARY 23, 2022

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:14 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, February 24, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FORTY SIXTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Thursday, February 24, 2022

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

Pursuant to Rule 46, on motion of Senator Pedersen, and without objection, the Committee on Law & Justice was granted special leave to continue to meet during the day's floor session.

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 23, 2022

SB 5689 Prime Sponsor, Senator Liias: Making supplemental transportation appropriations for the 2021-2023 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5689 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins and Wilson, J.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5693 Prime Sponsor, Senator Rolfes: Making 2021-2023 fiscal biennium supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5693 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5975 Prime Sponsor, Senator Liias: Concerning additive transportation funding and appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Holy; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato; Schoesler and Sheldon.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1329 Prime Sponsor, Committee on Local Government: Concerning public meeting accessibility and participation. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

ESHB 1357 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

3SHB 1359 Prime Sponsor, Committee on Commerce & Gaming: Temporarily reducing liquor license fees. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson; Saldaña and Schoesler.

Referred to Committee on Ways & Means.

February 23, 2022

EHB 1453 Prime Sponsor, Representative Bergquist: Concerning voters' pamphlets. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1593 Prime Sponsor, Committee on Housing, Human Services & Veterans: Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 23, 2022

HB 1611 Prime Sponsor, Representative Dolan: Advancing equity in programs for highly capable students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1616 Prime Sponsor, Committee on Health Care & Wellness: Concerning the charity care act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Sefzik.

Referred to Committee on Ways & Means.

February 23, 2022

SHB 1620 Prime Sponsor, Committee on Appropriations: Addressing the response to extreme weather events. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Ways & Means.

February 23, 2022

ESHB 1643 Prime Sponsor, Committee on Finance: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 23, 2022

SHB 1644 Prime Sponsor, Committee on Appropriations: Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SHB 1663 Prime Sponsor, Committee on Appropriations: Reducing methane emissions from landfills. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Lias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Brown; Fortunato; Schoesler and Sheldon.

Referred to Committee on Ways & Means.

February 23, 2022

E2SHB 1688 Prime Sponsor, Committee on Appropriations: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Sefzik.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

Referred to Committee on Ways & Means.

February 23, 2022

ESHB 1689 Prime Sponsor, Committee on Health Care & Wellness: Exempting biomarker testing from prior authorization for patients with late stage cancer. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1717 Prime Sponsor, Committee on Local Government: Concerning tribal participation in planning under the growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 23, 2022

SHB 1724 Prime Sponsor, Committee on Housing, Human Services & Veterans: Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J..

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1728 Prime Sponsor, Committee on Appropriations: Reauthorizing and amending dates for the total cost of insulin work group. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1739 Prime Sponsor, Representative Maycumber: Modernizing hospital policies related to pathogens of epidemiological concern. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Robinson and Sefzik.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 23, 2022

EHB 1744 Prime Sponsor, Representative Dolan: Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair and Hawkins.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2022

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

HB 1769 Prime Sponsor, Representative Duerr:  
Concerning community municipal corporations. Reported by  
Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by  
Senators Kuderer, Chair; Das, Vice Chair; Cleveland;  
Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by  
Senators Fortunato, Ranking Member and Wilson, J..

MINORITY recommendation: That it be referred without  
recommendation. Signed by Senators Gildon, Assistant  
Ranking Member; Sefzik and Warnick.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1770 Prime Sponsor, Committee on Local  
Government: Strengthening energy codes. Reported by  
Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das;  
Lias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by  
Senators Short, Ranking Member; Brown; Fortunato;  
Schoesler and Sheldon.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1795 Prime Sponsor, Committee on Labor &  
Workplace Standards: Prohibiting nondisclosure and  
nondisparagement provisions from employers regarding illegal  
acts of discrimination, harassment, retaliation, wage and hour  
violations, and sexual assault. Reported by Committee on  
Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
Senators Keiser, Chair; Conway, Vice Chair, Labor;  
Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson  
and Saldaña.

MINORITY recommendation: Do not pass. Signed by  
Senators King, Ranking Member; Braun; Rivers and  
Schoesler.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SHB 1799 Prime Sponsor, Committee on  
Appropriations: Concerning organic materials management.  
Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das;  
Lias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by  
Senators Short, Ranking Member; Brown; Fortunato;  
Schoesler and Sheldon.

Referred to Committee on Ways & Means.

February 23, 2022  
E2SHB 1812 Prime Sponsor, Committee on  
Appropriations: Modernizing the energy facility site evaluation  
council to meet the state's clean energy goals. Reported by  
Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das;  
Lias; Lovick; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by  
Senators Short, Ranking Member; Brown; Fortunato;  
Schoesler and Sheldon.

Referred to Committee on Ways & Means.

February 23, 2022

ESHB 1821 Prime Sponsor, Committee on Health Care &  
Wellness: Concerning the definition of established relationship  
for purposes of audio-only telemedicine. Reported by  
Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Frockt, Vice Chair; Muzzall, Ranking  
Member; Cleveland, Chair; Conway; Holy; Keiser; Padden;  
Randall; Rivers; Robinson; Sefzik and Van De Wege.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1833 Prime Sponsor, Representative Berg:  
Establishing an electronic option for the submission of household  
income information required for participation in school meals and  
programs. Reported by Committee on Early Learning & K-12  
Education

MAJORITY recommendation: Do pass. Signed by  
Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson,  
C., Vice Chair, Early Learning; Hawkins, Ranking Member;  
Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2022

EHB 1851 Prime Sponsor, Representative Thai:  
Preserving a pregnant individual's ability to access abortion care.  
Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Frockt, Vice Chair; Cleveland, Chair;  
Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without  
recommendation. Signed by Senators Muzzall, Ranking  
Member; Holy; Padden; Rivers and Sefzik.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1852 Prime Sponsor, Committee on Health Care &  
Wellness: Concerning language requirements for prescription  
drug labels. Reported by Committee on Health & Long Term  
Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Sefzik.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1866 Prime Sponsor, Committee on Health Care & Wellness: Assisting persons receiving community support services through medical assistance programs to receive supportive housing. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Sefzik.

Referred to Committee on Ways & Means.

February 23, 2022

SHB 1876 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1881 Prime Sponsor, Committee on Health Care & Wellness: Creating a new health profession for birth doulas. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy; Rivers and Sefzik.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1893 Prime Sponsor, Committee on Health Care & Wellness: Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson; Sefzik and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1902 Prime Sponsor, Committee on Labor & Workplace Standards: Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1941 Prime Sponsor, Committee on Education: Prohibiting active shooter scenarios for school safety-related drills. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2022

EHB 1942 Prime Sponsor, Representative Donaghy: Concerning the provision of the paraeducator fundamental course of study. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1953 Prime Sponsor, Representative Valdez: Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure. Reported by Committee on State Government & Elections

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

SHB 1955 Prime Sponsor, Committee on Education: Creating uniformity in education requirements for students who are the subject of a dependency proceeding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 1956 Prime Sponsor, Committee on State Government & Tribal Relations: Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1974 Prime Sponsor, Representative Ybarra: Moving state board of education and educational service district elections to the Washington state school directors' association. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

February 23, 2022

ESHB 2064 Prime Sponsor, Committee on Housing, Human Services & Veterans: Concerning security deposits and damages arising out of residential tenancies. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J..

Referred to Committee on Rules for second reading.

HB 2097 Prime Sponsor, Representative Donaghy: Changing the definition of first-time home buyer. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 23, 2022

HB 2098 Prime Sponsor, Representative Shewmake: Modifying the interest rate for the low-income home rehabilitation revolving loan program. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J..

Referred to Committee on Ways & Means.

February 23, 2022

SGA 9325 DAWN E. RAINS, reappointed on July 22, 2021, for the term ending June 30, 2024, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 23, 2022

SGA 9328 TARA C. SMITH, appointed on September 7, 2021, for the term ending at the governors pleasure, as Director of the Department of Enterprise Services - Agency Head. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1620 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 23, 2022

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1790,  
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5981 by Senators Stanford and Rivers

AN ACT Relating to ensuring consumers have legal access to cannabinoid products that have been tested and that meet standards for quality and safety while preventing intoxicating products from being sold outside of the regulated adult-use cannabis market and establishing a scientific panel to review cannabinoid science; amending RCW 69.50.101; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

## MOTION

Senator Sefzik moved adoption of the following resolution:

SENATE RESOLUTION  
8657

By Senator Sefzik

WHEREAS, Jason Thompson and Ryan Rathbun serve as deputies in the Whatcom County Sheriff's Department; and

WHEREAS, Both are recovering from grievous injuries suffered February 10th when they responded to a police call of shots fired during a dispute between neighbors in the Maple Falls area; and

WHEREAS, The deputies confronted the suspect, identified themselves, and asked the suspect to put down his weapon; and

WHEREAS, The suspect allegedly shot one deputy in the head, prompting the second deputy to return fire, and the second deputy also was shot in the head; and

WHEREAS, Two neighboring residents, Jesse Marshall and Cody Deeter, assisted the officers in providing cover enabling Deputy Rathbun to pull Deputy Thompson to safety; and

WHEREAS, Neighbor Robert Deeter, despite being in a potential line of fire, provided first aid to the injured deputies; and

WHEREAS, The two injured deputies were treated at PeaceHealth St. Joseph Medical Center in Bellingham, and one received further treatment at Harborview Medical Center, and both have been released; and

WHEREAS, The incident demonstrated the great risks faced by law enforcement officers every day as they work to reduce crime and keep our communities safe;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize with gratitude the service of Deputy Thompson and Deputy Rathbun and wish them a full recovery from their injuries; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the dedicated and often dangerous work of our state's law enforcement officers and their continual selfless acts of sacrifice and bravery to build safer and stronger communities statewide.

Senator Sefzik spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

The motion by Senator Sefzik carried and the resolution was adopted by voice vote.

## MOTION

At 12:39 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in standing committee reports later in the day.

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 EVENING SESSION
 

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The Senate was called to order at 5:21 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING  
COMMITTEES

February 24, 2022

E2SHB 1015 Prime Sponsor, Committee on Finance: Creating the Washington equitable access to credit act. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1051 Prime Sponsor, Representative Pollet: Adding a faculty member to the board of regents at the research universities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Rules for second reading.

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

February 24, 2022  
E2SHB 1117 Prime Sponsor, Committee on Appropriations: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 24, 2022  
ESHB 1169 Prime Sponsor, Committee on Public Safety: Concerning sentencing enhancements. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 24, 2022  
HB 1172 Prime Sponsor, Representative Lekanoff: Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Short and Stanford.

Referred to Committee on Rules for second reading.

February 24, 2022  
E2SHB 1181 Prime Sponsor, Committee on Appropriations: Establishing programs and measures to prevent suicide among veterans and military members. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

February 24, 2022  
HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Ranking Member; Gildon,

Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Ways & Means.

February 24, 2022  
SHB 1389 Prime Sponsor, Committee on Consumer Protection & Business: Concerning transportation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Frockt; Lovick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

February 24, 2022  
E4SHB 1412 Prime Sponsor, Committee on Appropriations: Concerning legal financial obligations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Ways & Means.

February 24, 2022  
ESHB 1497 Prime Sponsor, Committee on Consumer Protection & Business: Concerning commercial telephone solicitation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 24, 2022  
SHB 1571 Prime Sponsor, Committee on Public Safety: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 24, 2022

SHB 1615 Prime Sponsor, Committee on Consumer Protection & Business: Concerning the sale of cosmetics tested on animals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member McCune, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 24, 2022

HB 1622 Prime Sponsor, Representative Mosbrucker: Increasing the availability of sexual assault nurse examiner education in rural and underserved areas. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1626 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 24, 2022

ESHB 1630 Prime Sponsor, Committee on Civil Rights & Judiciary: Establishing restrictions on the possession of weapons in certain locations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1649 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning the advisory committee on hunters and fishers with disabilities. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SHB 1659 Prime Sponsor, Committee on Appropriations: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Holy, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Sefzik.

Referred to Committee on Ways & Means.

February 24, 2022

ESHB 1660 Prime Sponsor, Committee on Local Government: Concerning accessory dwelling units. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 24, 2022

EHB 1687 Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 24, 2022

E2SHB 1691 Prime Sponsor, Committee on Appropriations: Concerning financial responsibility requirements related to oil spills. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato and Schoesler.

Referred to Committee on Ways & Means.

February 24, 2022

ESHB 1694 Prime Sponsor, Committee on Environment & Energy: Concerning logistical processes for the regulation of priority chemicals in consumer products. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Fortunato and Schoesler.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1704 Prime Sponsor, Representative Kirby: Regulating service contracts and protection product guarantees. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

February 24, 2022

ESHB 1705 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning ghost guns. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1706 Prime Sponsor, Committee on Transportation: Concerning truck drivers ability to access restroom facilities. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Rivers; Robinson and Saldaña.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SHB 1723 Prime Sponsor, Committee on Appropriations: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1738 Prime Sponsor, Representative Peterson: Changing the total amount of outstanding indebtedness of the Washington state housing finance commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 24, 2022

2SHB 1751 Prime Sponsor, Committee on Appropriations: Concerning hazing prevention and reduction at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 24, 2022

SHB 1768 Prime Sponsor, Committee on Environment & Energy: Updating definitions applicable to energy conservation projects involving public entities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member; Fortunato and Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1773 Prime Sponsor, Committee on Appropriations: Concerning assisted outpatient treatment for persons with behavioral health disorders. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1780 Prime Sponsor, Representative Slatter: Concerning workforce education investment accountability and oversight board staffing changes. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 24, 2022

ESHB 1793 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning electric vehicle charging stations in common interest communities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators McCune, Assistant Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1800 Prime Sponsor, Committee on Children, Youth & Families: Increasing access to behavioral health services for minors. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 24, 2022

E2SHB 1815 Prime Sponsor, Committee on Transportation: Deterring catalytic converter theft. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen; Salomon and Wagoner.

Referred to Committee on Transportation.

February 24, 2022

HB 1825 Prime Sponsor, Representative Dye: Concerning continuity of judicial operations in single judge courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford; Kuderer; Pedersen and Salomon.

Referred to Committee on Rules for second reading.

February 24, 2022

2SHB 1827 Prime Sponsor, Committee on Appropriations: Creating the community reinvestment account and community reinvestment program. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Braun and Rivers.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1832 Prime Sponsor, Representative Springer: Concerning code city form of government elections and city manager appointment. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J..

Referred to Committee on Rules for second reading.

February 24, 2022

EHB 1837 Prime Sponsor, Representative Bronoske: Restoring the state's ability to address work-related musculoskeletal injuries. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2022

ESHB 1841 Prime Sponsor, Committee on Finance: Incentivizing rental of accessory dwelling units to low-income households. Reported by Committee on Housing & Local Government

FORTY SIXTH DAY, FEBRUARY 24, 2022

2022 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Trudeau and Wilson, J..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sefzik and Warnick.

Referred to Committee on Ways & Means.

February 24, 2022

2SHB 1860 Prime Sponsor, Committee on Appropriations: Preventing homelessness among persons discharging from inpatient behavioral health settings. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 24, 2022

E2SHB 1868 Prime Sponsor, Committee on Appropriations: Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Rivers and Schoesler.

Referred to Committee on Ways & Means.

February 24, 2022

2SHB 1890 Prime Sponsor, Committee on Appropriations: Concerning the children and youth behavioral health work group. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 24, 2022

SHB 1901 Prime Sponsor, Committee on Civil Rights & Judiciary: Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Ways & Means.

February 24, 2022

HB 1907 Prime Sponsor, Representative Steele: Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Lias and Sefzik.

Referred to Committee on Rules for second reading.

February 24, 2022

ESHB 1930 Prime Sponsor, Committee on Consumer Protection & Business: Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L..

Referred to Committee on Rules for second reading.

February 24, 2022

SHB 1957 Prime Sponsor, Committee on Appropriations: Establishing a small business disaster recovery financial assistance program. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Lovick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Ways & Means.

February 24, 2022

SHB 1961 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 24, 2022  
SHB 1967 Prime Sponsor, Committee on Appropriations: Concerning property tax exemptions for nonprofits. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L..

Referred to Committee on Ways & Means.

February 24, 2022  
HB 1975 Prime Sponsor, Representative Wylie: Concerning property management services provided to housing authority properties. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 24, 2022  
SHB 2001 Prime Sponsor, Committee on Local Government: Expanding the ability to build tiny houses. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon; Sefzik; Trudeau; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 24, 2022  
HB 2007 Prime Sponsor, Representative Slatter: Establishing a nurse educator loan repayment program under the Washington health corps. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

February 24, 2022  
HB 2010 Prime Sponsor, Representative Donaghy: Eliminating unnecessary homeless funding and auditing requirements. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Trudeau.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik; Warnick and Wilson, J.

Referred to Committee on Rules for second reading.

February 24, 2022  
SHB 2019 Prime Sponsor, Committee on College & Workforce Development: Increasing educational and training opportunities for careers in retail. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Rules for second reading.

February 24, 2022  
ESHB 2037 Prime Sponsor, Committee on Public Safety: Modifying the standard for use of force by peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 24, 2022  
SHB 2051 Prime Sponsor, Committee on Appropriations: Providing short-term disaster recovery financial assistance to agricultural producers. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

February 24, 2022  
SGA 9100 MOLLY F. LINVILLE, appointed on July 22, 2019, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Van De Wege, Chair Salomon, Vice Chair.

Referred to Committee on Rules for second reading.

February 24, 2022  
SGA 9245 ANN E. RENDAHL, reappointed on January 2, 2021, for the term ending January 1, 2027, as Member of the

FORTY SIXTH DAY, FEBRUARY 24, 2022

Utilities and Transportation Commission. Reported by  
Committee on Environment, Energy & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Lovick; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Short, Ranking Member and Fortunato.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2022

SGA 9250 LORNA SMITH, appointed on January 4, 2021, for the term ending December 31, 2026, as Member of the Fish and Wildlife Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Rules for second reading.

February 24, 2022

SGA 9316 WILLIAM S. KEHOE, appointed on August 1, 2021, for the term ending at the governors pleasure, as Director of the Washington Technology Solutions - Agency Head. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lovelett, Vice Chair; Short, Ranking Member; Carlyle, Chair; Das; Fortunato; Liias; Lovick; Nguyen; Schoesler; Sheldon; Stanford and Wellman.

Referred to Committee on Rules for second reading.

#### MOTION

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of House Bill No. 1780; Engrossed Second Substitute House Bill No. 1868; Substitute House Bill No. 1967; and Substitute House Bill No. 2051 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

#### MOTION

At 5:23 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Friday, February 25, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FORTY SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Friday, February 25, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

First grade students of Spokane Public School's Libby Center led the Senate in the Pledge of Allegiance twice, once in English and once in Spanish. Taught by Maestra Morris with the assistance of Ms. Ryan, the class is part of the District's Language Immersion program.

The prayer was offered by the President of the Senate, Lt. Governor Denny Heck.

## MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 24, 2022

SB 5714 Prime Sponsor, Senator Carlyle: Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5714 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5760 Prime Sponsor, Senator Wellman: Updating and expanding the motion picture competitiveness program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5760 as recommended by Committee on Business, Financial Services & Trade be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant

Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Gildon.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5799 Prime Sponsor, Senator Robinson: Modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5799 as recommended by Committee on Business, Financial Services & Trade be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5849 Prime Sponsor, Senator Warnick: Concerning tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Carlyle; Gildon; Hunt; Keiser; Mullet; Muzzall; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Conway; Dhingra; Hasegawa and Pedersen.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5982 by Senators Lovick and Liias

AN ACT Relating to alcohol concentration; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 46.61.506; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SJM 8010 by Senators Liias and Wilson, C.

Requesting Congress to enact federal legislation mandating the use of intelligent speed adaptation technology in all new motor vehicles.

Referred to Committee on Transportation.

SHB 1790 by House Committee on Transportation (originally sponsored by Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli)

AN ACT Relating to the creation, display, and material durability of temporary license plates; amending RCW 46.16A.300, 46.17.400, and 46.68.450; reenacting and amending RCW 46.16A.305; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION  
8658

By Senators Frockt, Billig, Braun, Carlyle, Das, Hasegawa, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Muzzall, Nobles, Pedersen, Rivers, Salomon, Schoesler, Trudeau, Wagoner, Wellman, and C. Wilson

WHEREAS, Antisemitism is one of the oldest forms of hate and is expressed as biases or bigotry against Jews, just for being part of the Jewish people; and

WHEREAS, The Anti-Defamation League's most recent Audit of Antisemitic Incidents in the United States recorded more than 2,000 acts of assault, vandalism, and harassment, maintaining antisemitism in the United States at its highest levels in over 40 years; and

WHEREAS, The latest FBI hate crime data reports that 55 percent of religiously motivated hate crimes are targeted at the Jewish community, which makes up just 2 percent of the population of the United States; and

WHEREAS, The American Jewish Committee's report found that over the past 12 months, one in four American Jews has been the target of verbal or physical antisemitic attacks in-person, online, or on social media, and that four in 10 American Jews have changed their behavior out of fear of antisemitism; and

WHEREAS, Numerous incidents of antisemitic graffiti and vandalism here in Washington State have included: Defacing the Star of David, a symbol of the Jewish People; using Nazi symbols on or near sites where Jews worship, gather, or work; and slogans accusing Jews of crimes against humanity and controlling the United States government; and

WHEREAS, Jewish officials in Washington and throughout the United States have received threatening antisemitic mail and email; and

WHEREAS, Stereotypes and tropes against Jews have led to significant acts of violence against Jews in this country in recent years; and

WHEREAS, Hatred against Jews is a challenge to the basic principles of tolerance, pluralism, and democracy, and the shared values that bind Americans together; and

WHEREAS, Jews are a multiethnic, multiracial people whose diversity is core to our communities and whose dedication to Washington State is evident in their strong participation in our local school, business, civic, philanthropic, and faith communities; and

WHEREAS, State officials and institutions can play a powerful role in promoting values of tolerance and pluralism and in protecting individuals from acts of bigotry, including hatred against the Jewish people;

NOW, THEREFORE, BE IT RESOLVED, That the Senate resolve to combat antisemitism, in all its forms, for the protection of the Jewish community of Washington State and to uphold the values of a tolerant and pluralistic society that binds us together as Americans.

Senators Frockt, Schoesler, Wellman, Rivers, Dozier, Fortunato, Wilson, C., Sheldon, Saldaña, Carlyle, Hasegawa, Salomon and Billig spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

The motion by Senator Frockt carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Liias: "Thank you, Mr. President. Over the last few years, we've witnessed a corrosion in our public dialog in this country. And on many occasions, I have noted that and critiqued it and expressed my concern. So, I think it's important when I myself use inappropriate and corrosive language, to bring that to the body and bring my apologies. Yesterday, I participated in a radio interview where I made unkind and disrespectful and inappropriate comments about the Governor of Oregon, and I deeply regret those comments. As Chair of the Transportation Committee, I have an obligation to represent all of us well, and I failed in that task yesterday. I have expressed my apologies to Governor Brown, look forward to continuing to build a strong relationship between our two states. But I believe when we call out bad behavior, we have an obligation to bring our misgivings, and our own challenges to the forefront as well. I am just glad that at the end of the day, Maya Angelou famously said, 'Do the best you can until you know better. And when you know better, do better.' So, Mr. President, to my colleagues, I know better, and I will do better."

MOTION

At 10:59 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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 AFTERNOON SESSION
 

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The Senate was called to order at 1:45 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Lovick moved that Wally Webster II, Senate Gubernatorial Appointment No. 9097, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senators Lovick, Holy and Hunt spoke in favor of passage of the motion.

## APPOINTMENT OF WALLY WEBSTER II

The President declared the question before the Senate to be the confirmation of Wally Webster II, Senate Gubernatorial Appointment No. 9097, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of Wally Webster II, Senate Gubernatorial Appointment No. 9097, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Wally Webster II, Senate Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Lovick moved that David O. Earling, Senate Gubernatorial Appointment No. 9240, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senator Lovick spoke in favor of the motion.

## APPOINTMENT OF DAVID O. EARLING

The President declared the question before the Senate to be the confirmation of David O. Earling, Senate Gubernatorial Appointment No. 9240, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of David O. Earling, Senate Gubernatorial Appointment No. 9240, as a

member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

David O. Earling, Senate Gubernatorial Appointment No. 9240, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 1430, by Representatives Kloba and Klicker

Concerning the duration of state upland leases for lands managed by the department of natural resources.

The measure was read the second time.

## MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.13.060 and 2016 c 109 s 3 are each amended to read as follows:

(1) State lands may be leased not to exceed ten years with the following exceptions:

(a) The lands may be leased for agricultural purposes not to exceed twenty-five years, except:

(i) Leases that authorize tree fruit or grape production may be for up to fifty-five years;

(ii) Share crop leases may not exceed ten years;

(b) The lands may be leased for commercial, industrial, business, or recreational purposes not to exceed fifty-five years, except:

(i) Leases for commercial, industrial, or business purposes may extend to 99 years;

(ii) All leases for commercial, industrial, or business purposes that extend beyond 55 years must provide for periodic rental reevaluation and adjustment, except leases with rentals based on a percentage of income;

(iii) All leases for commercial, industrial, or business purposes that extend terms beyond 55 years must be reported to the office of financial management and the appropriate committees of the legislature within 30 days of the date of execution of the lease. The report must include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments;

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

(c) The lands may be leased for public school, college, or university purposes not to exceed seventy-five years;

(d) The lands may be leased for residential purposes not to exceed ninety-nine years; and

(e) The lands and development rights on state lands held for the benefit of the common schools may be leased to public agencies, as defined in RCW 79.17.200, not to exceed ninety-nine years. The leases may include provisions for renewal of lease terms.

(2) No lessee of state lands may remain in possession of the land after the termination or expiration of the lease without the written consent of the department.

(a) The department may authorize a lease extension for a specific period beyond the term of the lease for cropping improvements for the purpose of crop rotation. These improvements shall be deemed authorized improvements under RCW 79.13.030.

(b) Upon expiration of the lease term, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe, if the leased land is not otherwise utilized.

(c) Upon expiration of the one-year lease extension, the department may issue a temporary permit to the lessee upon terms and conditions it prescribes if the department has not yet determined the disposition of the land for other purposes.

(d) The temporary permit shall not extend beyond a five-year period.

(3) If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of the lease. The sum total of the original lease term and any extension thereof shall not exceed the limits provided in this section.

(4) The department must include in the text of any grazing leases language that explains the right of access, and associated assumption of liability, created in RCW 76.04.021."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 79.13.060."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 1430.

The motion by Senator Van De Wege carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1430 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1430 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1430 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle and Wagoner

HOUSE BILL NO. 1430 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1719, by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

Concerning use and acquisition of military equipment by law enforcement agencies.

The measure was read the second time.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1719.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1719 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1798, by Representatives Ryu, Boehnke and Berry

Concerning powers of the legislative committee on economic development and international relations.

The measure was read the second time.

## MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1798.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1798 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1899, by Representatives Kirby, Vick, Graham and Young

Concerning confidentiality of certain data shared with the department of financial institutions.

The measure was read the second time.

## MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1899.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1899 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5693, by Senators Rolfes, Wilson, L. and Nguyen

Making 2021-2023 fiscal biennium supplemental operating appropriations.

## MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5693 was substituted for Senate Bill No. 5693 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Dhingra moved that the following amendment no. 1215 by Senator Dhingra be adopted:

On page 3, line 30, increase the General Fund—State Appropriation (FY 2023) by \$200,000

Adjust the total appropriation accordingly.

On page 4, after line 10, insert the following:

"(3) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022."

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

Senators Dhingra and Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1215 by Senator Dhingra on page 3, line 30 to Substitute Senate Bill No. 5693.

The motion by Senator Dhingra carried and amendment no. 1215 was adopted by voice vote.

## MOTION

Senator Warnick moved that the following amendment no. 1246 by Senator Warnick be adopted:

On page 5, line 12, strike all of subsection 6.

Senators Warnick and Schoesler spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1246 by Senator Warnick on page 5, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1246 was not adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following amendment no. 1206 by Senator Wilson, L. be adopted:

On page 8, line 35, increase the General Fund—State Appropriation (FY 2023) by \$1,892,000

Adjust the total appropriation accordingly.

On page 16, after line 18, insert the following:

"(30) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay."

Senators Wilson, L. and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1206 by Senator Wilson, L. on page 8, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. carried and amendment no. 1206 was adopted by voice vote.

## MOTION

Senator Pedersen moved that the following amendment no. 1224 by Senator Pedersen be adopted:

On page 9, line 8, decrease the Judicial Information Systems Account—State Appropriation by \$25,400,000

Adjust the total appropriation accordingly.

On page 15, beginning on line 21, strike all of subsection (26) Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1224 by Senator Pedersen on page 9, line 8 to Substitute Senate Bill No. 5693.

The motion by Senator Pedersen carried and amendment no. 1224 was adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1200 by Senator Wagoner be adopted:

On page 20, line 38, decrease the General Fund—State Appropriation (FY 2022) by \$350,000

On page 21, line 2, decrease the General Fund—State Appropriation (FY 2023) by \$25,000

Adjust the total appropriation accordingly.

On page 22, beginning on line 26, strike all of subsection (10)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Wagoner, Dozier, Fortunato and Wilson, J. spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1200 by Senator Wagoner on page 20, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Wagoner did not carry and amendment no. 1200 was not adopted by voice vote.

## MOTION

Senator Warnick moved that the following amendment no. 1247 by Senator Warnick be adopted:

On page 22, line 29, after "dams" insert "without increasing vehicle miles traveled or greenhouse gas emissions"

Senator Warnick spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1247 by Senator Warnick on page 22, line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1247 was not adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following amendment no. 1226 by Senator Wilson, L. be adopted:

On page 26, line 11, increase the General Fund—State Appropriation (FY 2023) by \$74,000

Adjust the total appropriation accordingly.

On page 31, after line 9, insert the following:

"(21) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for placing a constitutional amendment on the next general election ballot pursuant to Senate Joint Resolution No. 8206 (homestead property tax exemption). If the resolution is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$78,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$78,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5463 (residential property valuation). If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1226 by Senator Wilson, L. on page 26, line 11 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. did not carry and amendment no. 1226 was not adopted by voice vote.

#### MOTION

Senator Sefzik moved that the following amendment no. 1231 by Senator Sefzik be adopted:

On page 32, line 24, increase the General Fund—State Appropriation (FY 2022) by \$25,000

Adjust the total appropriation accordingly.

On page 33, after line 28, insert the following:

"(3) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Senate Bill No. 5897 (temporary suspension state motor vehicle tax). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Sefzik, Rivers and Fortunato spoke in favor of adoption of the amendment.

Senators Liias and Rolfes spoke against adoption of the amendment.

#### MOTION

Senator Sefzik demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sefzik on page 32, line 24 to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sefzik and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Gildon moved that the following amendment no. 1239 by Senator Gildon be adopted:

On page 43, line 12, increase the General Fund—State Appropriation (FY 2022) by \$3,335,000

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$2,223,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict."

On page 216, line 32, increase the General Fund—State Appropriation (FY 2022) by \$8,489,000

On page 216, line 34, increase the General Fund—State Appropriation (FY 2023) by \$4,922,000

Adjust the total appropriation accordingly.

On page 227, after line 23, insert the following:

"(29) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,922,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for temporary and permanent housing needs of refugees from the 2022 Ukraine-Russia conflict arriving in Washington state, along with other necessary support services such as employment and training, case management, legal services, emergency supports, integration into schools, and physical and mental health needs."

Senators Gildon and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1239 by Senator Gildon on page 43, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Gildon carried and amendment no. 1239 was adopted by voice vote.

#### MOTION

Senator Liias moved that the following amendment no. 1208 by Senator Liias be adopted:

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$750,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187)(a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;

(ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and

(iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration."

On page 478, line 7, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 490, after line 33, insert the following:

"(47) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

accomplished, and make recommendations for further opportunities for collaboration."

On page 602, line 4, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 618, after line 8, insert the following:

"(83) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration."

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1208 by Senator Liias on page 43, line 14 to Substitute Senate Bill No. 5693.

The motion by Senator Liias carried and amendment no. 1208 was adopted by voice vote.

#### MOTION

Senator Gildon moved that the following amendment no. 1209 by Senator Gildon be adopted:

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$51,610,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187) \$51,610,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 229, line 25, increase the General Fund—State Appropriation (FY 2023) by \$5,750,000

Adjust the total appropriation accordingly.

On page 232, after line 8, insert the following:

"(10) \$5,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 279, line 20, increase the General Fund—State Appropriation (FY 2023) by \$10,000,000

Adjust the total appropriation accordingly.

On page 321, after line 32, insert the following:

"(115) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 435, line 35, increase the General Fund—State Appropriation (FY 2023) by \$25,000,000

Adjust the total appropriation accordingly.

On page 450, after line 2, insert the following:

"(52) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Gildon and Short spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 43, line 14 to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 1207 by Senator Wilson, L. be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$64,200

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$64,200 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5324 (eliminating sales/use tax on mobility enhancing equipment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Robinson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1207 by Senator Wilson, L. on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. did not carry and amendment no. 1207 was not adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1210 by Senator Wilson, J. be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$320,900

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$320,900 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5440 (eliminating the business and occupation tax on

manufacturing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Wilson, J., Braun, Fortunato, Wagoner and Padden spoke in favor of adoption of the amendment.

Senators Robinson and Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1210 by Senator Wilson, J. on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, J. did not carry and amendment no. 1210 was not adopted by voice vote.

#### MOTION

Senator Holy moved that the following amendment no. 1218 by Senator Holy be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$379,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$379,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5841 (incentivizing cities and counties to increase commissioned law enforcement employment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 323, line 1, increase the General Fund—State Appropriation (FY 2023) by \$6,473,000

Adjust the total appropriation accordingly.

On page 329, after line 37, insert the following:

"(33) \$6,473,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5841 (incentivizing cities and counties to increase commissioned law enforcement employment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Holy and Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President recognized the presence of guests in the public gallery which had been closed to the public for nearly two years by health concerns during the pandemic.

Senators Wagoner, Dozier, Padden, Honeyford, Fortunato and McCune spoke in favor of adoption of the amendment.

#### MOTION

Senator Holy demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

#### MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purposes of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### REMARKS BY SENATOR HONEYFORD

Senator Honeyford: "Thank you Mr. President. I was going to object."

President Heck: "Duly noted."

The President declared the question before the Senate to be the adoption of the amendment by Senator Holy on page 125, line 17, to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holy and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Rivers moved that the following amendment no. 1222 by Senator Rivers be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$70,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5309 (diapers sales and use tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Rivers and Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1222 by Senator Rivers on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1222 was adopted by voice vote.

#### MOTION

Senator Sefzik moved that the following amendment no. 1232 by Senator Sefzik be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$11,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$11,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5913 (property tax/senior, veteran). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Sefzik and Short spoke in favor of adoption of the amendment.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

Senator Dhingra spoke against adoption of the amendment.

## MOTION

Senator Sefzik demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sefzik on page 125, line 17, to Substitute Senate Bill No. 5693.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sefzik and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovick, McCune, Muzzall, Padden, Randall, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Robinson, Rolfes, Saldafia, Salomon, Stanford, Trudeau, Van De Wege and Wilson, C.

Absent: Senator Wellman

## MOTION

Senator Fortunato moved that the following amendment no. 1250 by Senator Fortunato be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$125,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1535 (exempting family and household necessities from the sales and use tax). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1250 by Senator Fortunato on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato did not carry and amendment no. 1250 was not adopted by voice vote.

## MOTION

Senator Brown moved that the following amendment no. 1219 by Senator Brown be adopted:

On page 200, line 20, increase the General Fund—State Appropriation (FY 2023) by \$900,000

Adjust the total appropriation accordingly.

On page 216, after line 26, insert the following:

"(57) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients."

Senators Brown and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1219 by Senator Brown on page 200, line 20 to Substitute Senate Bill No. 5693.

The motion by Senator Brown carried and amendment no. 1219 was adopted by voice vote.

## MOTION

Senator Rivers moved that the following amendment no. 1223 by Senator Rivers be adopted:

On page 235, line 9, increase the General Fund—State Appropriation (FY 2023) by \$3,735,000

On page 235, line 11, increase the General Fund—Federal Appropriation by \$17,810,000

Adjust the total appropriation accordingly.

On page 271, after line 19, insert the following:

"(111)(a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$17,810,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs."

Senators Rivers and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1223 by Senator Rivers on page 235, line 9 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1223 was adopted by voice vote.

## MOTION

Senator Honeyford moved that the following amendment no. 1211 by Senator Honeyford be adopted:

On page 279, line 20, increase the General Fund—State Appropriation (FY 2023) by \$100,000,000

Adjust the total appropriation accordingly.

On page 321, after line 32, insert the following:

"(115) \$100,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community substance abuse treatment and prevention as follows:

(a) \$90,000,000 must be used by the health care authority to provide funding, on a per capita basis, to behavioral health administrative services organizations, as defined in RCW 71.24.025, for the purposes of providing substance use disorder treatment, prevention, and recovery services, including, but not limited to, diversion, residential treatment, community and peer support services, supported housing and employment, and crisis response; and

(b) \$10,000,000 must be used by the health care authority to support drug courts, following the distribution method for the criminal justice treatment account created in RCW 71.24.580(5)."

Senators Honeyford and Padden spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1211 by Senator Honeyford on page 279, line 20 to Substitute Senate Bill No. 5693.

The motion by Senator Honeyford did not carry and amendment no. 1211 was not adopted by voice vote.

#### MOTION

Senator Lovick moved that the following amendment no. 1202 by Senator Lovick be adopted:

On page 323, line 9, increase the Washington Auto Theft Prevention Authority Account—State Appropriation by \$3,500,000

Adjust the total appropriation accordingly.

On page 680, after line 35, insert the following:

"NEW SECTION. Sec. 741. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
WASHINGTON AUTO THEFT PREVENTION  
AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$3,500,000

TOTAL APPROPRIATION \$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington auto theft prevention authority account created in RCW 46.66.080."

FOUR-YEAR OUTLOOK EXPENDITURE EFFECT:  
\$3,500,000 Near General Fund—State

Senator Lovick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1202 by Senator Lovick on page 323, line 9 to Substitute Senate Bill No. 5693.

The motion by Senator Lovick carried and amendment no. 1202 was adopted by voice vote.

#### MOTION

Senator Brown moved that the following amendment no. 1220 by Senator Brown be adopted:

On page 330, line 38, increase the General Fund—State Appropriation (FY 2023) by \$2,500,000

Adjust the total appropriation accordingly.

On page 342, after line 3, insert the following:

"(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance."

Senator Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1220 by Senator Brown on page 330, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Brown carried and amendment no. 1220 was adopted by voice vote.

#### MOTION

Senator Keiser moved that the following amendment no. 1236 by Senator Keiser be adopted:

On page 330, line 38, increase the General Fund—State Appropriation (FY 2023) by \$12,000,000

Adjust the total appropriation accordingly.

On page 342, after line 3, insert the following:

"(39) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to distribute funds to supplement the related supplemental instruction costs for programs providing apprenticeship education and job training for general journey (01) electricians. Funding shall be allotted at \$17.60 per delivered related supplemental instruction hour to programs for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. Programs may apply for up to a 25 percent increase in allotted funding if partnering with a Washington community or technical college to deliver the related supplemental instruction based on the level of contracted support provided by the college."

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1236 by Senator Keiser on page 330, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Keiser carried and amendment no. 1236 was adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 1238 by Senator Short be adopted:

On page 343, line 12, increase the General Fund—State Appropriation (FY 2023) by \$1,100,000

Adjust the total appropriation accordingly.

On page 344, after line 8, insert the following:

"(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for expanding counseling services for veterans dealing with posttraumatic stress disorder."

Senators Short, Rolfes and Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1238 by Senator Short on page 343, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Short carried and amendment no. 1238 was adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1225 by Senator Warnick be adopted:

On page 345, line 12, increase the General Fund—State Appropriation (FY 2023) by \$91,000

Adjust the total appropriation accordingly.

On page 370, after line 11, insert the following:

"(95) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a work group to study the root causes of rising behavioral health issues in Washington communities."

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

(a) The membership of the work group shall emphasize individuals with actual, practical experience dealing with the behavioral health system and shall include:

(i) Individuals who have received behavioral health services in a variety of settings and circumstances throughout the behavioral health system;

(ii) Family members of individuals who have received behavioral health services;

(iii) Behavioral health treatment providers with experience providing behavioral health services in various settings, including crisis behavioral health services. Providers serving on the work group may not represent, or be employed by, any organizations or interest groups representing the interests of health care providers or behavioral health stakeholders;

(iv) Tribal representatives with experience providing or receiving behavioral health services from tribal health departments;

(v) Members of the clergy;

(vi) Law enforcement officers with training and experience in responding to individuals with behavioral health conditions or who are undergoing behavioral health crises;

(vii) Behavioral health advocates; and

(viii) Any other individuals with experience in the behavioral health system, as deemed appropriate by the department.

(b) The work group shall, at a minimum, discuss:

(i) Factors leading to increased demand for behavioral health services in Washington;

(ii) Barriers to addressing unmet needs and any gaps in the behavioral health system;

(iii) The effectiveness of the state's integrated care initiative regarding access for the seriously mentally ill, reductions in hospitalization and institutionalization, improvements in community-based care, and support for an effective network of community-based care providers for the seriously mentally ill; and

(iv) Suggestions for improving the behavioral health system, including methods to address behavioral health workforce shortages.

(c) The work group shall submit to the governor and the appropriate committees of the legislature a progress report by December 15, 2022, and its findings and recommendations by June 30, 2023."

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1225 by Senator Warnick on page 345, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick carried and amendment no. 1225 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1235 by Senator Fortunato be adopted:

On page 345, line 12, increase the General Fund—State Appropriation (FY 2023) by \$25,000

Adjust the total appropriation accordingly.

On page 370, after line 11, insert the following:

"(95) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410."

Senators Fortunato and Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1235 by Senator Fortunato on page 345, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato carried and amendment no. 1235 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 1201 by Senator Wagoner be adopted:

On page 373, line 28, increase the General Fund—State Appropriation (FY 2023) by \$31,020,000

Adjust the total appropriation accordingly.

On page 376, line 11, after "2022," strike "\$9,106,000" and insert "\$40,126,000"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Rolfe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1201 by Senator Wagoner on page 373, line 28 to Substitute Senate Bill No. 5693.

The motion by Senator Wagoner did not carry and amendment no. 1201 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following amendment no. 1216 by Senator McCune be adopted:

On page 460, line 35, decrease the General Fund—State Appropriation (FY 2023) by \$10,996,000

Adjust the total appropriation accordingly.

On page 470, line 4, after "(40)" strike all material through "2022" on line 31 and insert "\$3,404,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program, for communication and outreach with the public, to improve salmon run assessment and monitoring, and to develop alternative commercial fishing gear"

Senators McCune and Wilson, J. spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1216 by Senator McCune on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator McCune did not carry and amendment no. 1216 was not adopted by voice vote.

#### MOTION

Senator Stanford moved that the following amendment no. 1234 by Senator Stanford be adopted:

On page 460, line 35, increase the General Fund—State Appropriation (FY 2023) by \$3,510,000

Adjust the total appropriation accordingly.

On page 476, after line 7, insert the following:

"(73) \$3,510,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) \$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;

(b) \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

(c) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;

(d) \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

(e) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

(f) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona."

Senator Stanford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1234 by Senator Stanford on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Stanford carried and amendment no. 1234 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 1241 by Senator Padden be adopted:

On page 460, line 35, decrease the General Fund—State Appropriation (FY 2023) by \$350,000

Adjust the total appropriation accordingly.

On page 475, beginning on line 22, after "(71)" strike all material through "2023" on line 30 and insert "\$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey and to estimate the number of juvenile and adult salmon that are taken on average each year due to bird predation on the Columbia river, between the confluence with the Snake river and the McNary dam. The estimate must indicate the number of fish taken by bird species. A report of the survey and estimate, including a description of techniques and projects in place to prevent such predation must be made to the appropriate committees of the legislature by June 30, 2023"

Senators Padden and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1241 by Senator Padden on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Padden carried and amendment no. 1241 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1217 by Senator Wilson, J. be adopted:

On page 470, beginning on line 4, after "(40)" strike all material through "program" on line 7 and insert "\$14,400,000 of

the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a voluntary buy-back program of nontribal commercial gillnet fishing licenses on the Columbia river. Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019."

Senators Wilson, J., McCune and Sefzik spoke in favor of adoption of the amendment.

Senators Van De Wege, Saldaña and Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1217 by Senator Wilson, J. on page 470, line 4 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, J. did not carry and amendment no. 1217 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1249 by Senator Fortunato be adopted:

On page 472, after line 29, strike all of subsection (58).

Senators Fortunato, Warnick, Honeyford and Wagoner spoke in favor of adoption of the amendment.

Senators Rolfes and Muzzall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1249 by Senator Fortunato on page 472, after line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato did not carry and amendment no. 1249 was not adopted by voice vote.

#### MOTION

Senator Van De Wege moved that the following amendment no. 1214 by Senator Van De Wege be adopted:

On page 490, line 3, after "79.22.010," insert "to begin a program"

On page 490, line 15, after "state" strike "forestlands" and insert "forest transfer lands"

Senators Van De Wege and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1214 by Senator Van De Wege on page 490, line 3 to Substitute Senate Bill No. 5693.

The motion by Senator Van De Wege carried and amendment no. 1214 was adopted by voice vote.

#### MOTION

Senator Dozier moved that the following amendment no. 1213 by Senator Dozier be adopted:

On page 506, line 9, increase the General Fund—State Appropriation (FY 2023) by \$40,000

Adjust the total appropriation accordingly.

On page 523, after line 16, insert the following:

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

"(ff) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5858 (education/parent rights)."

Senators Dozier, Sefzik and Padden spoke in favor of adoption of the amendment.

Senators Rolfes and Wellman spoke against adoption of the amendment.

MOTION

Senator Dozier demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dozier on page 506, line 9 to Substitute Senate Bill No. 5693.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Dozier and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Salomon, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Wellman moved that the following amendment no. 1242 by Senator Wellman be adopted:

On page 525, line 13, decrease the General Fund—State Appropriation (FY 2022) by \$4,051,000

On page 525, line 15, increase the General Fund—State Appropriation (FY 2023) by \$4,051,000

Adjust the total appropriation accordingly.

On page 526, line 16, after "(5)" strike "\$13,499,000" and insert "~~(\$13,499,000)~~ \$9,448,000"

On page 526, line 17, after "and" strike "\$16,076,000" and insert "~~(\$16,076,000)~~ \$20,127,000"

On page 526, line 24, after "(b)" strike "\$12,587,000" and insert "~~(\$12,587,000)~~ \$8,536,000"

On page 526, line 25, after "and" strike "\$15,414,000" and insert "~~(\$15,414,000)~~ \$19,465,000"

On page 526, line 27, after "provide" strike "two" and insert "~~(two)~~ up to four"

On page 526, line 27, after "training" strike "per school year" and insert "~~(per school year)~~"

On page 526, beginning on line 31, after "program" strike all material through "years" on line 32 and insert "~~(in each of the 2020-21 and 2021-22 school years)~~ in the 2020-21 school year, and up to four days in the 2021-22 school year"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1242 by Senator Wellman on page 525, line 13 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1242 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, amendment no. 1245 by Senator Wellman on page 552, line 38 to Substitute Senate Bill No. 5693 was withdrawn.

POINT OF ORDER

Senator Salomon: "I wanted to point out that I made a mistake in my prior vote, but that vote has been closed, but I wanted to put it on the record."

President Heck: "Not possible sir."

MOTION

Senator Wellman moved that the following amendment no. 1243 by Senator Wellman be adopted:

On page 569, line 22, increase the General Fund—State Appropriation (FY 2022) by \$111,000

On page 569, line 24, decrease the General Fund—State Appropriation (FY 2023) by \$111,000

Adjust the total appropriation accordingly.

On page 582, line 35, after "~~(\$250,000)~~" strike "\$125,000" and insert "\$236,000"

On page 582, line 36, after "and" strike "\$125,000" and insert "\$14,000"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1243 by Senator Wellman on page 569, line 22 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1243 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, amendment no. 1244 by Senator Wellman on page 569, line 22 to Substitute Senate Bill No. 5693 was withdrawn.

MOTION

Senator Wellman moved that the following amendment no. 1205 by Senator Wellman be adopted:

On page 598, line 17, after "industries" insert "and the school bus driving industry"

On page 598, line 21, after "industries" insert "and the school bus driving industry"

On page 598, line 30, after "the" strike "industry" and insert "industries"

On page 598, line 32, after "industry" insert "and the school bus driving industry"

On page 599, line 2, after "industry" insert "or the school bus driving industry"

On page 599, line 4, after "industries" insert "or the school bus driving industry"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1205 by Senator Wellman on page 598, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1205 was adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 1221 by Senator Rivers be adopted:

On page 618, line 15, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 626, after line 26, insert the following:

"(45) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036."

Senators Rivers and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1221 by Senator Rivers on page 618, line 15 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1221 was adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1240 by Senator Warnick be adopted:

On page 637, after line 23, strike all of section (o)

Senators Warnick and Schoesler spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1240 by Senator Warnick on page 637, after line 23 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1240 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1233 by Senator Warnick be adopted:

On page 637, line 31, after "farmworkers" strike "and", after "organizations" insert "and agriculture employer associations".

Senators Warnick, King and Muzzall spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1233 by Senator Warnick on page 637, line 31 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1233 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 1212 by Senator Braun be adopted:

On page 668, at the beginning of line 14, strike "General Fund—State Appropriation (FY 2022) . . . . \$2,000,000,000" and insert "General Fund—State Appropriation (FY 2023) . . . . \$625,000,000"

Adjust the total appropriation accordingly.

On page 668, line 19, after "47.66.070." insert "It is the intent of the legislature that this funding will be continued in subsequent biennia and increased annually by the fiscal growth factor as defined in RCW 43.135.025."

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, amendment no. 1212 by Senator Braun on page 668, line 14 to Substitute Senate Bill No. 5693 was withdrawn.

MOTION

Senator Warnick moved that the following amendment no. 1227 by Senator Warnick be adopted:

On page 680, beginning on line 29, after "limitations:" strike all material through "percent" on line 35 and insert "The appropriation is provided solely for the department to provide grants to the Washington state fair and to county and area fairs as defined in RCW 15.76.120 (1) and (2) that agree to operate its fair in fiscal year 2023 without charging an admission fee to any member of the public. The amount of grant funds provided to each fair may not exceed the amount the admissions fees earned by the fair in fiscal year 2019 plus 20 percent"

Senators Warnick and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1227 by Senator Warnick on page 680, line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick carried and amendment no. 1227 was adopted by voice vote.

MOTION

Senator Sefzik moved that the following amendment no. 1248 by Senator Sefzik be adopted:

On page 680, after line 35, insert the following:

"NEW SECTION. Sec. 741. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2022) \$85,000,000  
TOTAL APPROPRIATION \$85,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

for expenditure into the disaster response account for the sole purpose of providing disaster response and recovery assistance to political subdivisions of the state, tribes, businesses, and residents that have suffered adverse impacts from natural disasters in November 2021 and January 2022 in jurisdictions as identified in presidential or gubernatorial declarations. Disaster response and recovery assistance includes, but is not limited to, financial assistance for the following activities:

- (1) Temporary housing, shelter, and cash assistance;
- (2) Costs to repair or replace damaged buildings, structures, and public infrastructure;
- (3) Demolition costs for homes, buildings, structures, and public infrastructure that are beyond repair;
- (4) Loss of personal property;
- (5) Medical expenses; and
- (6) Covering 100 percent of the cost of any financial match or contribution requirements that may be necessary to receive federal or state disaster relief assistance."

Senator Sefzik spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1248 by Senator Sefzik on page 680, after line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Sefzik did not carry and amendment no. 1248 was not adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

#### POINT OF ORDER

Senator Wilson, J.: "Thank you Mr. President. Sub-point 40 on page 470 of the Substitute Senate Bill No. 5693 violates Senate Rule 25 because the bill embraces more than one subject. Mr. President, will you allow me to offer a very brief argument on this point?"

President Heck: "Yes."

Senator Wilson, J.: "Thank you Mr. President. Mr. President, 5693 is a very expansive bill. It's under the subsection 40 that introduces additional subjects which I am saying violates our Senate rules. The proviso in question is an overarching policy that would eliminate, eliminate commercial gillnet fishing. This is a policy change that should be addressed in a policy bill. In fact, the Senate has covered, or considered, policy bills on this topic including Senate Bill 5567. However even that less controversial bill has not made it through the process; adding the same policy change to the budget bill is an improper, back-door attempt to implement policy through the budget Mr. President, and our rules prohibit this. And unfortunately, we rejected an amendment which would have fixed this problem, and right-sized the fishery to ensure that there weren't unused licenses. And we could still preserve this corner of our extremely important economy. But the proviso in the budget before us expressly states that the number of fish saved would be transferred from the commercial fishery into conservation or a selected fishery. This is a major policy change Mr. President, which conflicts with federal fisheries allocation processes, and state law, such as RCW 77.5 or 77.75.010 and it impairs the rights, Mr. President, the rights of commercial fishermen. It even cuts our friends in Oregon out,

somewhat, of this existing process that we've used to manage fisheries."

President Heck: "Senator Wilson, keep your remarks, please, to arguments in support of your point of order."

Senator Wilson, J.: "Thank you Mr. President. In conclusion, the policy intended in the proviso is only in the budget because it can not survive the legislative process on its own merits. We cannot have log-rolling in the Senate and our rules are designed to prevent it. For these reasons Mr. President, I respectfully request that you rule that Senate Bill 5693 violates Senate Rule 25. And thank you Mr. President."

Senator Pedersen: ".: "Thank you very much Mr. President. One of the main components for the test for whether a proviso includes substantive law is whether the proviso redefines rights or eligibility for services found in current law. In this case the answer is clearly no. The proviso in question addresses the ability of the Department of the Fish and Wildlife to buy back certain fishing licenses. Under current law, the Department has very broad authority in relation to regulating licensing, including the ability to allocate the benefits of license buy-backs without legislative direction. This proviso in no way changes or redefines an existing benefit or right. It simply gives additional clarification over how the Department should utilize its existing broad authority. The Department could have chosen to use its authority in this way even without the proviso. For these reasons, I'd ask that you rule the objection is not well taken. And Mr. President, I presume that you are going to need some time to consider this?"

#### MOTIONS

On motion of Senator Pedersen, further consideration of Engrossed Substitute Senate Bill No. 5693 was deferred, and the bill held its place on the third reading calendar.

At 6:16 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 6:45 p.m. by President Heck.

#### RULING BY THE PRESIDENT

President Heck: "Before issuing this ruling, the President would like to clarify that this is a parliamentary ruling, not a policy judgment. It is not the role of the President to make policy judgments on points of order but to faithfully apply the rules applicable to this body. The President takes this role seriously, and will continue to abide by this principle.

In ruling upon the point of order raised by Senator Jeff Wilson that Engrossed Substitute Senate Bill 5693 is improperly before the body, as it violates Senate Rule 25 by including substantive law in the budget, the President finds and rules as follows:

Senate Rule 25 provides that, 'No bill shall embrace more than one subject and that shall be expressed in the title.'

As this is identical language to Article II, Section 19 of the State Constitution, the President finds it appropriate to look to those opinions in addition to prior Senate rulings to guide his determinations.

It is clear from these opinions that appropriation bills are fully subject to this provision, and a budget bill is an improper vehicle for substantive law in the budget.

It is equally clear to the President that the Courts and this body have granted greater latitude to the legislature in enacting multi-

subject legislation under the appropriations bill title than any other, since the purpose of appropriations bills is to allocate monies for the State's multitudinous and disparate needs.' That is found in *Flanders v. Morris*.

In analyzing whether a provision adds substantive law to a budget, the President will look to the four factors called out in previous opinions, although the President cautions that this list may not be exhaustive. Factors to consider include:

1. Whether the change is limited to the fiscal years affected;
2. Whether the proviso or additions were the subject of another bill;
3. Whether rights or eligibility for services are affected; and
4. Whether an express policy found in statute is being contravened, repealed, or modified in a manner which renders the underlying statutory scheme inoperative.

Turning now to Engrossed Substitute Senate Bill 5693, giving proper deference to the fact that this is an appropriations bill and examining the four factors, the President finds that the proviso complies with all four factors.

It is self-evident that the existence of a policy bill cannot, in and of itself, preempt the body from including the same topic in the appropriations bill, particularly when, as in this case, there was clearly no attempt to simply hang a policy bill on a budget bill.

The President, therefore, finds that Senator Wilson's point is not well taken and Engrossed Substitute Senate Bill 5693 is properly before the body."

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5693.

Senators Rolfes, Robinson and Sheldon spoke in favor of passage of the bill.

Senators Wilson, L. and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick and Wilson, L.

Absent: Senator Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Pedersen and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

#### SECOND READING

SENATE BILL NO. 5689, by Senators Liias, Saldaña, Nguyen, Nobles and Wilson, C.

Making supplemental transportation appropriations for the 2021-2023 fiscal biennium.

#### MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5689 was substituted for Senate Bill No. 5689 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 1204 by Senator Wilson, L. be adopted:

On page 12, line 20, strike "\$2,704,000" and insert "\$3,004,000"

On page 12, line 26, strike "\$4,224,000" and insert "\$4,524,000"

On page 18, after line 21, insert the following:

"(12)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the options and strategies to construct a third bridge over the Columbia river between southwest Washington and Oregon. The study must consider:

(i) Anticipated general purpose traffic demand, including general purpose traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(ii) Anticipated freight traffic demand, including freight traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(iii) A cost-benefit analysis of constructing a third bridge, which must include analysis on the estimated cost to construct a third bridge;

(iv) Potential locations for a third bridge across the Columbia river between southwest Washington and Oregon; and

(v) Preliminary design options for a third bridge.

(b) A final report must be submitted to the transportation committees of the legislature by June 30, 2023."

Senators Wilson, L. and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1204 by Senator Wilson, L. on page 12, line 20 to Substitute Senate Bill No. 5689.

The motion by Senator Wilson, L. carried and amendment no. 1204 was adopted by voice vote.

#### MOTION

Senator Liias moved that the following amendment no. 1203 by Senator Liias be adopted:

On page 27, beginning on line 4, after "for" strike all material through "steps" on line 11 and insert "implementation of chapter . . . (Substitute House Bill No. 2057), Laws of 2022 (diversity, equity, and inclusion in the state patrol). If chapter . . . (Substitute House Bill No. 2057), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses"

Senator Liias spoke in favor of adoption of the amendment.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the adoption of amendment no. 1203 by Senator Liias on page 27, line 4 to Substitute Senate Bill No. 5689.

The motion by Senator Liias carried and amendment no. 1203 was adopted by voice vote.

#### MOTION

Senator Van De Wege moved that the following amendment no. 1230 by Senator Van De Wege be adopted:

On page 83, line 29, strike "\$44,371,000" and insert "\$49,371,000"

On page 83, line 33, strike "\$3,708,335,000" and insert "\$3,713,355,000"

On page 94, after line 26, insert the following:

"(37) \$5,000,000 of the move ahead WA account—state appropriation is provided solely for safety improvements pursuant to the reducing rural roadway departures program established in Engrossed Substitute Senate Bill No. 5974 (transportation resources). If Engrossed Substitute Senate Bill No. 5974 (transportation resources) is not enacted by June 30, 2022, then the appropriation in this subsection lapses."

Senators Van De Wege and Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1230 by Senator Van De Wege on page 83, line 29 to Substitute Senate Bill No. 5689.

The motion by Senator Van De Wege carried and amendment no. 1230 was adopted by voice vote.

#### MOTION

Senator Conway moved that the following amendment no. 1199 by Senator Conway be adopted:

On page 105, line 29, strike "\$96,225,000" and insert "\$146,225,000"

On page 105, line 32, strike "\$514,912,000" and insert "\$564,912,000"

On page 109, after line 12, insert the following:

"(14) \$50,000,000 of the multimodal transportation account—state appropriation is provided solely for the Canyon Road Regional Connection Project."

Senators Conway and Gildon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1199 by Senator Conway on page 105, line 29 to Substitute Senate Bill No. 5689.

The motion by Senator Conway did not carry and amendment no. 1199 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1229 by Senator Fortunato be adopted:

On page 109, after line 12, insert the following:

"(14) \$500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20,

2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner."

Senators Fortunato and Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1229 by Senator Fortunato on page 109, after line 12 to Substitute Senate Bill No. 5689.

The motion by Senator Fortunato carried and amendment no. 1229 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5689.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5689 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Hawkins, McCune, Schoesler, Sefzik, Short and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5975, by Senators Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.

Concerning additive transportation funding and appropriations.

#### MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Sefzik moved that the following amendment no. 1251 by Senator Sefzik be adopted:

On page 6, after line 38, insert the following:

"(6) \$3,000,000 of the climate active transportation account—state appropriation is provided solely for the Bradley road safe

routes pedestrian improvement project on the LEAP Transportation Document 2022 NL-2 as developed February 20, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Sefzik spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1251 by Senator Sefzik on page 6, after line 38 to Substitute Senate Bill No. 5975.

The motion by Senator Sefzik did not carry and amendment no. 1251 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following amendment no. 1253 by Senator McCune be adopted:

On page 6, after line 38, insert the following:

"(6) \$3,900,000 of the climate active transportation account- state appropriation is provided solely for construction of sidewalks on 78<sup>th</sup> Ave East between 204<sup>th</sup> Street and 176<sup>th</sup> Street in Spanaway. The amount must be deducted from the contingency total on LEAP Transportation Document NL-2 as developed February 20, 2022."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator McCune spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1253 by Senator McCune on page 6, after line 38 to Substitute Senate Bill No. 5975.

The motion by Senator McCune did not carry and amendment no. 1253 was not adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Lovelett, Mullet and Carlyle spoke in favor of passage of the bill.

Senators King, Schoesler, Rivers, Sefzik, Wilson, J. and Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

Modifying certain alternative fuel vehicles fees.

The bill was read on Third Reading.

#### MOTIONS

On motion of Senator Pedersen, the rules were suspended and Substitute Senate Bill No. 5085 was returned to second reading for the purposes of amendment.

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5085 was substituted for Substitute Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

Revised for Second Substitute: Modifying the alternative fuel vehicle fee for electric motorcycles.

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5085.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

SECOND SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

## MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5488, by Senators Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.

Completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project.

## MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Senators Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)

Revised for Substitute: Concerning state contributions in support of the Tacoma Narrows toll bridge.

## MOTION

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Liias, Trudeau and Rolfes spoke in favor of passage of the bill.

Senators King, Muzzall, Schoesler, Wagoner and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5488.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Carlyle, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1878, by House Committee on Appropriations (originally sponsored by Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez)

Increasing public school participation in the community eligibility provision of the United States department of agriculture.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1878.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1878 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, McCune, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 1878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1735, by House Committee on Public Safety (originally sponsored by Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier)

Modifying the standard for use of force by peace officers.

The measure was read the second time.

## MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1735.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1735 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1286, by House Committee on Health Care & Wellness (originally sponsored by Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham)

Adopting the psychology interjurisdictional compact.

The measure was read the second time.

## MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1286.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1286 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick,

Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby)

Continuing the work of the dementia action collaborative.

The measure was read the second time.

## MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health and Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) In 2020, an estimated 120,000 Washingtonians age 65 and older were living with Alzheimer's disease or another dementia and the number is expected to rise to 140,000 by 2025;

(2) Dementia affects the whole family in many ways, including pulling family members, most often women, out of the workforce to care for their loved ones with the disease;

(3) There are an estimated 295,000 unpaid caregivers in Washington providing 426,000,000 total hours of unpaid care annually;

(4) The legislature authorized the preparation of the first Washington state plan to address Alzheimer's disease and other dementias in 2016; and

(5) There is great value in continuing to improve awareness and services for individuals living with Alzheimer's disease and other dementias, and reestablishing the formal dementia action collaborative to update the state plan and make recommendations is essential.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The dementia action collaborative is established with members as provided in this subsection.

(a) The governor shall appoint the following members, and may appoint additional members at the governor's discretion:

(i) A representative of the governor's office;

(ii) A representative and an alternate from the department in the aging and long-term support administration;

(iii) A representative and an alternate from the department in the developmental disabilities administration;

(iv) A representative and an alternate from the department of health;

(v) A representative and an alternate from the health care authority;

(vi) A representative and an alternate from the office of the state long-term care ombuds;

(vii) At least one person with Alzheimer's disease or another dementia;

(viii) A caregiver of a person with Alzheimer's disease or another dementia;

(ix) A representative of the University of Washington's memory and brain wellness center;

(x) A representative of an organization representing area agencies on aging;

(xi) A representative of an association representing long-term care facilities in Washington;

(xii) A representative of an association representing physicians in Washington;

(xiii) A representative of a Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias;

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

(xiv) A representative of an Alzheimer's advocacy organization;

(xv) An attorney who specializes in elder law;

(xvi) An Alzheimer's disease researcher;

(xvii) A representative of an organization representing emergency medical service providers in Washington;

(xviii) An expert in workforce development;

(xix) A representative of the Washington state council on aging;

(xx) A representative of the governor's office of Indian affairs;

(xxi) A licensed behavioral health provider with clinical expertise in Alzheimer's disease or other dementias;

(xxii) A representative of a health care organization that primarily serves people of color, including seniors; and

(xxiii) A nurse with expertise in serving individuals with Alzheimer's disease or other dementias.

(b) In appointing members to the dementia action collaborative, the governor shall give priority to persons who had previously served on the Alzheimer's disease working group established pursuant to chapter 89 (Senate Bill No. 6124), Laws of 2014, and its successor work groups.

(2)(a) The secretary or the secretary's designee shall convene the dementia action collaborative and submit all required reports. The secretary or the secretary's designee shall serve as the cochair with either the member representing an Alzheimer's disease advocacy organization or the member representing the Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias.

(b) The department shall provide any necessary administrative support to the dementia action collaborative.

(c) Meetings of the dementia action collaborative must be open to the public. At least one meeting each year must accept comments on the dementia action collaborative's proposed recommendations from members of the public, including comments from persons and families affected by Alzheimer's disease or other dementias. The department must use technological means, such as web casts, to assure public participation.

(3)(a) The dementia action collaborative must assess the current and future impacts of Alzheimer's disease and other dementias on Washington residents, including:

(i) Examining progress in implementing the Washington state Alzheimer's plan adopted in 2016;

(ii) Assessing available services and resources for serving persons with Alzheimer's disease and other dementias, as well as their families and caregivers;

(iii) Examining and developing strategies to rectify disparate effects of Alzheimer's disease and other dementias on people of color; and

(iv) Developing a strategy to mobilize a state response to this public health crisis.

(b) In addition to the activities in (a) of this subsection, the dementia action collaborative must review and revise the Washington state Alzheimer's plan adopted in 2016, and any subsequent revisions to that plan. Revisions to the plan must evaluate and address:

(i) Population trends related to Alzheimer's disease and other dementias, including:

(A) Demographic information related to Washington residents living with Alzheimer's disease or other dementias, including average age, average age at first diagnosis, gender, race, and comorbidities; and

(B) Disparities in the prevalence of Alzheimer's disease and other dementias between different racial and ethnic populations;

(ii) Existing services, resources, and health care system capacity, including:

(A) The types, cost, and availability of dementia services, medicaid reimbursement rates for dementia services, and the effect of medicaid reimbursement rates on the availability of dementia services;

(B) Dementia-specific training requirements for long-term services and supports staff;

(C) The needs of public safety and law enforcement to respond to persons with Alzheimer's disease or other dementias;

(D) The availability of home and community-based resources, including respite care and other services to assist families, for persons with Alzheimer's disease or other dementias;

(E) Availability of long-term dementia care beds, regardless of payer;

(F) State funding and Alzheimer's disease research through Washington universities and other resources; and

(G) Advances in knowledge regarding brain health, dementia, and risk reduction related to Alzheimer's disease and other dementias since the adoption of the Washington state Alzheimer's plan established in 2016.

(4) The department must submit a report of the dementia action collaborative's findings and recommendations to the governor and the legislature in the form of an updated Washington state Alzheimer's plan no later than October 1, 2023. The department must submit annual updates and recommendations of the dementia action collaborative for legislative and executive branch agency action to the governor and the legislature each October 1st, beginning October 1, 2024.

(5) This section expires June 30, 2028."

On page 1, line 2 of the title, after "collaborative;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health and Long Term Care to Substitute House Bill No. 1646.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Muzzall and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1646 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1646 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1646 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1703, by House Committee on Appropriations (originally sponsored by Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame)

Modernizing the statewide 911 emergency communications system.

The measure was read the second time.

## MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The ongoing modernization of the statewide 911 emergency communications system is essential to public safety. Implementing new technologies with the modernization to next generation 911 requires clarifying changes to update requirements and definitions currently in statute.

**Sec. 2.** RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, location, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Automatic location identification" means information about a caller's location that is part of or associated with an enhanced or next generation 911 emergency communications system as defined in this section and RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data, or both.

(3) "Automatic number identification" means a method for uniquely associating a communication device that has accessed 911 with the incoming 911 voice or data, or both, and intended for the purpose of display at a public safety answering point.

(4) "Baseline level of 911 service" means access to 911 dialing from all communication devices with service from a telecommunications provider within a county's jurisdiction so that incoming 911 voice and data communication is answered, received, and displayed on 911 equipment at a public safety answering point designated by the county.

(5) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

((2)) (6)(a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

((3)) (7) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

((4)) (8) "Continuity of government planning" means the internal effort of all levels and branches of government to provide that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide for the continued performance of essential functions and services by each level and branch of government.

((5)) (9) "Continuity of operations planning" means the internal effort of an organization to provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

((6)) (10) "Department" means the state military department.

((7)) (11) "Director" means the adjutant general.

((8)) (12) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

((9)) (13)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

((10)) (14) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ((9)) (13)(b) of this section.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

~~((14))~~ (15) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(16) "Emergency services communications system data" includes voice or audio; multimedia, including pictures and video; text messages; telematics or telemetrics; or other information that is received or displayed, or both, at a public safety answering point in association with a 911 access.

(17) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((12))~~ (18) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((13))~~ (19) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((14))~~ (20) "First informer broadcaster" means an individual who:

(a) Is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(b)(i) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or (ii) provides technical support services to broadcasters needed during a period of proclaimed emergency.

~~((15))~~ (21) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((16))~~ (22) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((17))~~ (23) "Interconnected voice over internet protocol service provider" means a provider of interconnected voice over internet protocol service as defined by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(24) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~((18))~~ (25) "Local director" means the director of a local organization of emergency management or emergency services.

~~((19))~~ (26) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((20))~~ (27) "Next generation 911" means an internet protocol-based system comprised of managed emergency services internet protocol networks, functional elements (applications), and databases that replicate enhanced 911 features and functions as defined in RCW 82.14B.020(4) that provide additional capabilities designed to provide access to emergency services from all connected communications sources and provide multimedia data capabilities for public safety answering points.

(28) "Next generation 911 demarcation point" means the location and equipment that separates the next generation 911 network from:

(a) A telecommunications provider's network, known as the ingress next generation 911 demarcation point; and

(b) A public safety answering point, known as the egress next generation 911 demarcation point.

(29) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next generation 911 emergency communications system" includes future modernizations to the 911 system.

(30) "Next generation 911 emergency services internet protocol network" means a managed internet protocol network used for 911 emergency services communications that is managed and maintained, including security and credentialing functions, by the state 911 coordination office to provide next generation 911 emergency communications from the ingress next generation 911 demarcation point to the egress next generation 911 demarcation point. It provides the internet protocol transport infrastructure upon which application platforms and core services are necessary for providing next generation 911 services. Next generation 911 emergency services internet protocol networks may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, federal, national, and international levels to form an internet protocol-based inter-network (network of networks).

(31) "Next generation 911 service" means public access to the next generation 911 emergency communications system and its capabilities by accessing 911 from communication devices to report police, fire, medical, or other emergency situations to a public safety answering point.

(32) "Political subdivision" means any county, city or town.

~~((21))~~ (33) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or

may provide firefighting, police, ambulance, medical, or other emergency services.

~~((22))~~ (34) "Public safety answering point" means the public safety location that receives and answers 911 voice and data originating in a given area as designated by the county. Public safety answering points must be equipped with 911 hardware, software, and technology that is accessed through 911 and is capable of answering incoming 911 calls and receiving and displaying incoming 911 data.

(a) "Primary public safety answering point" means a public safety answering point, as designated by the county, to which 911 calls and data originating in a given area and entering the next generation 911 network are initially routed for answering.

(b) "Secondary public safety answering point" means a public safety answering point, as designated by the county, that only receives 911 voice and data that has been transferred by other public safety answering points.

(35) "Radio communications service company" ~~(has the meaning ascribed to it in RCW 82.14B.020)) means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.~~

~~((23))~~ (36) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(37) "Telecommunications provider" means a telecommunications company as defined in RCW 80.04.010, a radio communications service company as defined in RCW 38.52.010, a commercial mobile radio service provider as defined in 47 C.F.R. Sec. 20.3, providers of interconnected voice over internet protocol service as defined in RCW 38.52.010, and providers of data services.

(38) "Washington state patrol public safety answering points" means those designated as primary or secondary public safety answering points by the counties in which they provide service.

**Sec. 3.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive

emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state ~~((enhanced))~~ 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide ~~((enhanced))~~ 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010~~((6))~~ (13). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

(13) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident.

**Sec. 4.** RCW 38.52.440 and 2017 c 295 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the director, through the state ~~((enhanced))~~ 911 coordinator, and in collaboration with the department of health, the department of social and health services, the Washington state patrol, the Washington association of sheriffs and police chiefs, the Washington council of police and sheriffs, the state fire marshal's office, a representative of a first responder organization with experience in addressing the needs of a person with a disability, and other individuals and entities at the discretion of the director, must assess, and report back to the appropriate committees of the legislature by December 1, 2018, regarding:

(a) The resources, capabilities, techniques, protocols, and procedures available or required in order to include as part of the enhanced 911 emergency service the ability to allow an immediate display on the screen indicating that a person with a disability may be present at the scene of an emergency, the caller's identification, location, phone number, address, and if made available, additional information on the person with a disability that would assist the first responder in the emergency response;

(b) How best to acquire, implement, and safeguard a secure website and the information in the system provided by a person with a disability, or a parent, guardian, or caretaker of a person with a disability in order to make such information directly available to first responders at the scene of an emergency or on the way to the scene of an emergency;

(c) What information provided by a person must remain confidential under state or federal law, or otherwise should

remain confidential without written permission to release it for purposes of chapter 295, Laws of 2017 or the information is otherwise releasable or available under other provisions of law; and

(d) The need to provide various agencies and employees that are first responders and emergency personnel immunity from civil liability for acts or omissions in the performance of their duties, and what standard should apply, such as if the act or omission is the result of simple negligence, gross negligence, or willful misconduct.

(2) For purposes of this section:

(a) Both "accident" and "emergency" mean an unforeseen combination of circumstances or a resulting situation that results in a need for assistance or relief and calls for immediate action; and

(b) "Person with a disability" means an individual who has been diagnosed medically to have a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability.

**Sec. 5.** RCW 38.52.500 and 1991 c 54 s 1 are each amended to read as follows:

The legislature finds that a statewide emergency communications network of ~~((enhanced))~~ 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that statewide implementation of ~~((enhanced))~~ 911 telephone service is feasible and should be accomplished as soon as practicable.

**Sec. 6.** RCW 38.52.501 and 2002 c 341 s 1 are each amended to read as follows:

The legislature finds that statewide ~~((enhanced))~~ 911 emergency communications service has proven to be a lifesaving service and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and transmit the 911 call. The legislature also finds that it is in the best public interest to ensure that there is adequate ongoing funding to support ~~((enhanced 911 service))~~ necessary 911 system upgrades as technology evolves to next generation 911 technology and beyond for 911 emergency communications baseline service statewide that supports emerging communications devices.

**Sec. 7.** RCW 38.52.505 and 1999 c 24 s 2 are each amended to read as follows:

The adjutant general shall establish rules on minimum information requirements of automatic location identification for the purposes of ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the governing body of a city or county to take into consideration local circumstances when approving the accuracy of location information generated when calls are made to 911 from facilities within his or her service area.

**Sec. 8.** RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each amended to read as follows:

(1) Each county, singly or in combination with one or more ~~((adjacent))~~ counties, must ~~((implement))~~ provide or participate in countywide or multicounty-wide ~~((enhanced))~~ 911 emergency communications systems so that ~~((enhanced))~~ 911 is available throughout the state. The county must provide funding for the ~~((enhanced))~~ 911 communications system in the county in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county less any applicable administrative fee charged by the department of revenue or the

amount necessary to provide full funding of the system in the county. The state (~~enhanced~~) 911 coordination office established by RCW 38.52.520 must assist and facilitate (~~enhanced~~) 911 implementation throughout the state.

(2) A county may request a Washington state patrol public safety answering point to become a primary public safety answering point and receive 911 calls from a specific geographical area and may cancel that designation at any time.

**Sec. 9.** RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state (~~enhanced~~) 911 coordination office, headed by the state (~~enhanced~~) 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

~~(1) ((Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state))~~ Administering the 911 account established in RCW 38.52.540;

(2) Seeking advice and assistance from, and providing staff support for(,) the enhanced 911 advisory committee;

(3) Providing and supporting 911 emergency communications systems, which may include procurement, funding, ownership, and management;

(4) Assisting the counties and Washington state patrol public safety answering points by distributing state 911 emergency communications system funding within the priorities identified in RCW 38.52.545. When designated as a primary public safety answering point by the county, the state 911 coordination office may provide funding for Washington state patrol public safety answering point 911 emergency communications systems;

(5) Develop forms, submission dates, and methods as necessary for all public safety answering points to submit reports;

(6) Recommending to the utilities and transportation commission by August 31st of each year the level of the state (~~enhanced~~) 911 emergency communications system excise tax established in RCW 82.14B.030(5) for the following year;

~~((4) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state enhanced 911 funding may be expended, with the advice and assistance of the enhanced 911 advisory committee; and~~

~~(5) Providing an annual update to the enhanced))~~ (7) Establishing rules that:

(a) Determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes, under RCW 82.14B.030, may be used to fund;

(b) Determine how appropriated funds from the state 911 account shall be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated Washington state patrol primary public safety answering points for specific assistance; and

(c) Specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law. The authority given to the state 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies; and

(8) Annually providing a complete report to the 911 advisory committee on ((how much money each county has spent on));

(a) Efforts to modernize their existing enhanced 911 emergency communications system; ((and

~~(b) Enhanced 911 operational costs))~~ (b) All public safety answering points expenditures for administrative and operational costs and expenses of the 911 emergency communications system; and

(c) Any additional data that may be identified by the 911 advisory committee.

**Sec. 10.** RCW 38.52.525 and 1995 c 243 s 9 are each amended to read as follows:

The state (~~enhanced~~) 911 coordination office may develop and (~~implement~~) provide public education materials (~~regarding the capability of specific equipment used as part of a private telecommunications system or in the provision of private shared telecommunications services to forward automatic location identification and automatic number identification))~~ relating to the 911 emergency communications system.

**NEW SECTION. Sec. 11.** A new section is added to chapter 38.52 RCW to read as follows:

The 911 advisory committee is created to advise and assist the state 911 coordinator in coordinating and facilitating the implementation and operation of 911 throughout the state. The director shall appoint:

(1) County 911 representatives from diverse urban and rural geographical counties;

(2) The statewide 988 coordinator or designee identified by the office of the governor;

(3) Those who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the association of public communications officials Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, and the Washington state association of counties;

(4) The utilities and transportation commission or commission staff;

(5) A representative of a voice over internet protocol company;

(6) An equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state;

(7) A representative of the Washington state department of health; and

(8) Other members identified and appointed by the director.

**Sec. 12.** RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each amended to read as follows:

~~((On an annual basis))~~ (1) Annually, the (~~enhanced~~) 911 advisory committee must provide an update on the status of (~~enhanced~~) 911 service in the state to the appropriate committees in the legislature. The update must include progress by the state 911 coordination office and the counties towards ((creating greater efficiencies in enhanced)) continual growth and maintenance of a 911 emergency communications system with greater efficiencies in 911 operations including, but not limited to, regionalization of facilities, centralization of equipment, ((and)) statewide purchasing, strategic plan performance, and fiscal health of the 911 emergency communications system.

(2) To assist with modernization of the 911 emergency communications system, all counties operating public safety answering points in Washington state, with the exception of tribal nations, must assist the 911 advisory committee to update the legislature annually within the requirements of RCW 38.52.520(8) by providing annual public safety answering point expenditure reports and additional information as necessary requested by the state 911 coordinator's office.

(3) To assist with modernization of the 911 emergency communications system, public safety answering points

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

providing service in multiple counties shall report to the county where they are physically located. Public safety answering points providing services outside of Washington state borders shall limit reporting to those areas within the boundaries of Washington state. Counties receiving services from a public safety answering point outside of Washington state must report the cost of services into their county.

**Sec. 13.** RCW 38.52.535 and 1998 c 245 s 32 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordination office and the ~~((enhanced))~~ 911 advisory committee may participate in efforts to set uniform national standards for ~~((automatic number identification and automatic location identification data transmission for private telecommunications systems and private shared telecommunications services))~~ the 911 emergency communications system.

**Sec. 14.** RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each amended to read as follows:

(1) The ~~((enhanced))~~ 911 account is created in the state treasury. All receipts from the state ~~((enhanced))~~ 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used ~~((only))~~ to support the priorities established in RCW 38.52.545, procure, fund, and manage the statewide 911 emergency communications system network, purchase goods and services that support the counties and Washington state patrol public safety answering points in providing 911 baseline level of service statewide, assist the counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs, acquire 911 hardware, software, and technology appropriate to support a 911 emergency communications system, 911 emergency communications training and public education, support the statewide coordination and management of the ~~((enhanced))~~ 911 emergency communications system, ~~((for the implementation of wireless enhanced 911 statewide,))~~ and for ~~((the))~~ modernization needs as technology evolves of ~~((enhanced))~~ the 911 emergency communications systems statewide~~((, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2013-2015 and the 2015-2017 fiscal biennia, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service)).~~

(2) Funds generated by the ~~((enhanced))~~ 911 excise tax imposed by RCW 82.14B.030(5), (6), and (8) may not be distributed to any county that has not imposed the maximum county ~~((enhanced))~~ 911 excise tax allowed under RCW 82.14B.030(1) through (3). ~~((Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2-))~~

(3) The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of ~~((enhanced))~~ the 911 ~~((services for all counties))~~

emergency communications system and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

**Sec. 15.** RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each amended to read as follows:

In specifying rules defining the purposes for which available state ~~((enhanced))~~ 911 moneys may be expended, the state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must consider ~~((base))~~ needs ~~((of individual counties for specific assistance))~~ necessary to provide a baseline level of 911 service by individual counties and their designated Washington state patrol public safety answering points. Priorities for available ~~((enhanced))~~ 911 emergency communications system funding are as follows:

(1) To procure, fund, and manage the statewide 911 network and supporting services, and assure that 911 dialing is operational statewide;

(2) To assist counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs as necessary to assure that they can achieve a ~~((basic service))~~ baseline level of service for 911 operations; and

(3) To assist counties ~~((as practicable to acquire items of a capital nature appropriate to modernize 911 systems and increase 911 effectiveness))~~ and their designated Washington state patrol public safety answering points to acquire 911 hardware, software, and technology to support a 911 emergency communications system baseline level of service.

**Sec. 16.** RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each amended to read as follows:

A telecommunications company, radio communications service company, or interconnected voice over internet protocol service company, providing emergency communications systems or services or a business or individual providing database information to ~~((enhanced))~~ 911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual, the state, political subdivisions and any 911 public corporations in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to an ~~((enhanced))~~ 911 emergency communications service; or

(2) Design, development, installation, maintenance, or provision of consolidated ~~((enhanced))~~ 911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

**Sec. 17.** RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies and interconnected voice over internet protocol service companies to ~~((enhanced))~~ 911 emergency communications systems. These standards must be modernized to align with national standards adopted by the state of Washington in rule making and not exceed the requirements set by the federal communications commission. The authority given to the state ~~((enhanced))~~ 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies.

**Sec. 18.** RCW 38.52.575 and 2015 c 224 s 6 are each amended to read as follows:

(1) Information contained in an automatic number identification or automatic location identification database that is part of a county (~~enhanced~~) 911 emergency communications system as defined in RCW 82.14B.020 and intended for display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(2) Information voluntarily submitted to be contained in a database that is part of or associated with a county (~~enhanced~~) 911 emergency communications system as defined in RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(3) This section shall not be interpreted to prohibit:

- (a) Display of information at a public safety answering point;
- (b) Dissemination of information by the public safety answering point to police, fire, or emergency medical responders for display on a device used by police, fire, or emergency medical responders for the purpose of handling or responding to emergency calls or for training;
- (c) Maintenance of the database by a county;
- (d) Dissemination of information by a county to local agency personnel for inclusion in an emergency notification system that makes outgoing calls to telephone numbers to provide notification of a community emergency event;
- (e) Inspection or copying by the subject of the information or an authorized representative; or
- (f) The public disclosure of information prepared, retained, disseminated, transmitted, or recorded, for the purpose of handling or responding to emergency calls, unless disclosure of any such information is otherwise exempted under chapter 42.56 RCW or other law.

**Sec. 19.** RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund (~~enhanced~~) 911 emergency communications systems throughout the state on a multicounty or countywide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to impose an excise tax on the use of switched access lines, radio access lines, and interconnected voice over internet protocol service lines.

**Sec. 20.** RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Consumer" means a person who purchases a prepaid wireless telecommunications service in a retail transaction.

(~~(2)~~) (3) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(~~(3)~~) (4) "Enhanced 911 emergency communications system" means a public communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice or data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice or data at the appropriate public safety answering point. "Enhanced 911 emergency communications system" includes the modernization to next generation 911 systems.

(~~(4)~~) (5) "Interconnected voice over internet protocol service" has the same meaning as provided by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(~~(5)~~) (6) "Interconnected voice over internet protocol service line" means an interconnected voice over internet protocol service that offers an active telephone number or successor dialing protocol assigned by a voice over internet protocol provider to a voice over internet protocol service customer that has inbound and outbound calling capability, which can directly access a public safety answering point when such a voice over internet protocol service customer has a place of primary use in the state.

(~~(6)~~) (7) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

(~~(7)~~) (8) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next Generation 911 emergency communications system" includes future modernizations to the 911 system.

(9) "Place of primary use" means the street address representative of where the subscriber's use of the radio access line or interconnected voice over internet protocol service line occurs, which must be:

(a) The residential street address or primary business street address of the subscriber; and

(b) In the case of radio access lines, within the licensed service area of the home service provider.

(~~(8)~~) (10) "Prepaid wireless telecommunications service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in full in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

(~~(9)~~) (11) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

(~~(10)~~) (12) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

~~((14)) (13) "Radio communications service company" ((has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers))~~ means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

~~((12)) (14) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.~~

~~((13)) (15) "Seller" means a person who sells prepaid wireless telecommunications service to another person.~~

~~((14)) (16) "Subscriber" means the retail purchaser of telecommunications service, a competitive telephone service, or interconnected voice over internet protocol service. "Subscriber" does not include a consumer, as defined in this section.~~

~~((15)) (17) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.~~

**Sec. 21.** RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of switched access lines in an amount not exceeding seventy cents per month for each switched access line. The amount of tax must be uniform for each switched access line. Each county must provide notice of the tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(2)(a) The legislative authority of a county may also impose a county ~~((enhanced))~~ 911 excise tax on the use of radio access lines:

(i) By subscribers whose place of primary use is located within the county in an amount not exceeding seventy cents per month for each radio access line. The amount of tax must be uniform for each radio access line under this subsection (2)(a)(i); and

(ii) By consumers whose retail transaction occurs within the county in an amount not exceeding seventy cents per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (2)(a)(ii).

(b) The county must provide notice of the tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this section must be remitted to the

department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications services, on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(3)(a) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of interconnected voice over internet protocol service lines in an amount not exceeding seventy cents per month for each interconnected voice over internet protocol service line. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network.

(b) The interconnected voice over internet protocol service company must use the place of primary use of the subscriber to determine which county's ~~((enhanced))~~ 911 excise tax applies to the service provided to the subscriber.

(c) The tax imposed under this section must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department.

(d) The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(e) To the extent that a local exchange carrier and an interconnected voice over internet protocol service company contractually jointly provide a single service line, only one service company is responsible for remitting the ~~((enhanced))~~ 911 excise taxes, and nothing in this section precludes service companies who jointly provide service from agreeing by contract which of them must remit the taxes collected.

(4) Counties imposing a county ~~((enhanced))~~ 911 excise tax must provide an annual update to the ~~((enhanced))~~ 911 coordinator detailing the proportion of their county ~~((enhanced))~~ 911 excise tax that is being spent on:

(a) Efforts to modernize their existing ~~((enhanced))~~ 911 communications system; and

(b) ~~((Enhanced))~~ 911 operational costs.

(5) A state ~~((enhanced))~~ 911 excise tax is imposed on all switched access lines in the state. The amount of tax may not exceed twenty-five cents per month for each switched access line. The tax must be uniform for each switched access line. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ~~((enhanced))~~ 911 account created in RCW 38.52.540.

(6)(a) A state ~~((enhanced))~~ 911 excise tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in an amount of twenty-five cents per month for each radio access line. The tax must be uniform for each radio access line under this subsection (6)(a)(i); and

(ii) By consumers whose retail transaction occurs within the state in an amount of twenty-five cents per retail transaction. The tax must be uniform for each retail transaction under this subsection (6)(a)(ii). Until July 1, 2018, a seller of prepaid wireless telecommunications service may charge an additional five cents per retail transaction as compensation for the cost of collecting and remitting the tax.

(b) The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ~~((enhanced))~~ 911 account created

in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(7) For purposes of the state and county ((enhanced)) 911 excise taxes imposed by subsections (2) and (6) of this section, the retail transaction is deemed to occur at the location where the transaction is sourced to under RCW 82.32.520(3)(c).

(8) A state ((enhanced)) 911 excise tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax may not exceed twenty-five cents per month for each interconnected voice over internet protocol service line whose place of primary use is located in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540.

(9) For calendar year 2011, the taxes imposed by subsections (5) and (8) of this section must be set at their maximum rate. By August 31, 2011, and by August 31st of each year thereafter, the state ((enhanced)) 911 coordinator must recommend the level for the next year of the state ((enhanced)) 911 excise tax imposed by subsections (5) and (8) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission must by the following October 31st determine the level of the state ((enhanced)) 911 excise taxes imposed by subsections (5) and (8) of this section for the following year.

**Sec. 22.** RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Except as provided otherwise in subsection (2) of this section:

(a) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on switched access lines must be collected from the subscriber by the local exchange company providing the switched access line.

(b) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications service.

(c) The state and county ((enhanced)) 911 excise taxes on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) as provided in RCW 82.14B.030 (2) and (6).

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

**Sec. 23.** RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be paid by:

(i) The subscriber to the local exchange company providing the switched access line, the radio communications service company providing the radio access line, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line; or

(ii) The consumer to the seller of prepaid wireless telecommunications service.

(b) Each local exchange company, each radio communications service company, and each interconnected voice over internet protocol service company must collect from the subscriber, and each seller of prepaid wireless telecommunications service must collect from the consumer, the full amount of the taxes payable. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company fails to collect the state or county ((enhanced)) 911 excise tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, the interconnected voice over internet protocol service company, or to the department, or until paid by the consumer to the seller of prepaid wireless telecommunications service, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by the local exchange company, radio communications service company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

(4) If a subscriber has failed to pay to the local exchange company, radio communications service company, or interconnected voice over internet protocol service company, or a consumer has failed to pay to the seller of prepaid wireless telecommunications service, the state or county ((enhanced)) 911 excise taxes imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

**Sec. 24.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read as follows:

The proceeds of any tax collected under this chapter shall be used by the state or county only for the ((emergency services communication system)) 911 emergency communications system and its administrative and operational costs.

**Sec. 25.** RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each amended to read as follows:

A county legislative authority imposing a tax under this chapter must establish by ordinance all necessary and appropriate procedures for the administration of the county ((enhanced)) 911 excise taxes by the department. A county legislative authority imposing a tax under this chapter must provide the department notification of the imposition of the tax or a change in the tax no less than seventy-five days before the effective date of the imposition of the tax or the change in the tax.

**Sec. 26.** RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each amended to read as follows:

(1) The department must administer and adopt rules as may be necessary to enforce and administer the state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state and county ((enhanced)) 911 excise taxes.

(2) The state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer must remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year.

(4) The state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter are in addition to any taxes imposed upon the same persons under chapters 82.08, 82.12, and 82.14 RCW.

(5) Returns must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize as provided in RCW 82.32.080.

**Sec. 27.** RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each amended to read as follows:

(1) Counties imposing the ((enhanced)) 911 excise tax under RCW 82.14B.030 must contract with the department for the administration and collection of the tax. The department may deduct a percentage amount, as provided by contract, of no more than two percent of the ((enhanced)) 911 excise taxes collected to cover administration and collection expenses incurred by the department. If a county imposes ((an enhanced)) a 911 excise tax

with an effective date of January 1, 2011, the county must contract with the department for the administration and collection of the tax by October 15, 2010.

(2) The remainder of any portion of the county ((enhanced)) 911 excise tax under RCW 82.14B.030 that is collected by the department must be deposited in the county ((enhanced)) 911 excise tax account hereby created in the custody of the state treasurer. Expenditures from the account may be used only for distribution to counties imposing the ((enhanced)) 911 excise tax. Only the director of the department or his or her designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and an appropriation is not required for expenditures.

**Sec. 28.** RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) All moneys that accrue in the county ((enhanced)) 911 excise tax account created in RCW 82.14B.063 must be distributed monthly to the counties in the amount of the taxes collected on behalf of each county, minus the administration and collection fee retained by the department as provided in RCW 82.14B.063.

(2) If a county imposes by resolution or ordinance ((an enhanced)) a 911 excise tax that is in excess of the maximum allowable county ((enhanced)) 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution may not be considered void in its entirety, but only with respect to that portion of the ((enhanced)) 911 excise tax that is in excess of the maximum allowable tax.

**Sec. 29.** RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each amended to read as follows:

(1) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company must file tax returns on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the company. A company filing returns on a cash receipts basis is not required to pay tax on debt subject to credit or refund under subsection (2) of this section.

(2) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company is entitled to a credit or refund for state and county ((enhanced)) 911 excise taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

**Sec. 30.** RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Unless a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company has taken from the buyer documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line, radio access line, or interconnected voice over internet protocol service line was not a sale to a subscriber, consumer, or was not otherwise subject to the tax is upon the person who made the sale.

(2) If a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company does not receive documentation, in a form and manner prescribed by the department, stating that the buyer is not

a subscriber, consumer, or is otherwise not liable for the tax at the time of the sale, have such documentation on file at the time of the sale, or obtain such documentation from the buyer within a reasonable time after the sale, the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company remains liable for the tax as provided in RCW 82.14B.042, unless the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of the state or county ((enhanced)) 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state or county ((enhanced)) 911 excise taxes due but not paid as a result of the improper use of documentation stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

**Sec. 31.** RCW 82.14B.210 and 1998 c 304 s 11 are each amended to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of state ((enhanced)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, or who is charged with the responsibility for the filing of returns or the payment of state ((enhanced)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, is personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any state ((enhanced)) 911 excise taxes due from the corporation under this chapter. For the purposes of this section, any state ((enhanced)) 911 excise taxes that have been paid but not collected are deductible from the state ((enhanced)) 911 excise taxes collected but not paid. For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer, member, manager, or other person is liable only for taxes collected that became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

(3) Persons liable under subsection (1) of this section are exempt from liability if nonpayment of the state ((enhanced)) 911 excise tax funds held in trust is due to reasons beyond their control as determined by the department by rule.

(4) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160 through 82.32.200.

(5) This section applies only if the department has determined that there is no reasonable means of collecting the state ((enhanced)) 911 excise tax funds held in trust directly from the corporation.

(6) This section does not relieve the corporation or limited liability company of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in chapter 82.32 RCW apply to collections under this section.

**NEW SECTION. Sec. 32.** RCW 38.52.530 (Enhanced 911 advisory committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51, 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991 c 54 s 5 are each repealed."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510,

38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections to Substitute House Bill No. 1703.

The motion by Senator Hunt carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1703 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1703 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1703 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1748, by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

Concerning aged, blind, or disabled program eligibility for victims of human trafficking.

The measure was read the second time.

#### MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

FORTY SEVENTH DAY, FEBRUARY 25, 2022

2022 REGULAR SESSION

"Sec. 1. RCW 74.04.805 and 2020 c 322 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Have been determined to be eligible for the pregnant women assistance program under RCW 74.62.030 or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c)(i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d)(i) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for twenty-four consecutive months from the date the department determines pregnant women assistance program eligibility.

(4) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt

to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(5) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontested medical opinion must set forth clear and convincing reasons for doing so.

(6) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacity.

(7) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2018 c 48 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to ~~((alcohol or drug addiction))~~ a substance use disorder. These persons shall be referred to appropriate

assessment, treatment, or shelter~~(, or supplemental security income referral services as authorized under chapter 74.50 RCW))~~ services. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to ~~((alcoholics and drug addicts))~~ persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c)(i) Have furnished the department ~~((his or her))~~ with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

NEW SECTION. Sec. 3. This act takes effect July 1, 2022."

On page 1, line 2 of the title, after "trafficking," strike the remainder of the title and insert "amending RCW 74.04.805 and 74.62.030; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to House Bill No. 1748.

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, House Bill No. 1748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1748 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1748 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1748 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:56 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:10 p.m. by Vice President Pro Tempore Lovick.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 23, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

ESHB 2076 by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri)

AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies; amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, 48.177.010, and 81.68.015; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 50A.10 RCW; adding a new chapter to Title 46 RCW; and recodifying RCW 48.177.010.

Referred to Committee on Transportation.

## MOTIONS

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

At 9:13 p.m., on motion of Senator Pedersen, the Senate adjourned until 9:00 o'clock a.m. Monday, February 28, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FIFTIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, February 28, 2022

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 24, 2022

SB 5459 Prime Sponsor, Senator Mullet: Creating a business and occupation tax deduction for credit card processing companies. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

**MINORITY** recommendation: Do not pass. Signed by Senator Frockt, Vice Chair, Capital.

**MINORITY** recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair and Hasegawa.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Pedersen, the measure listed on the Standing Committee report was referred to the committee as designated.

On motion of Senator Pedersen, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

February 17, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KC C. GOLDEN, appointed March 7, 2022, for the term ending January 15, 2025, as Member of the Northwest Power and Conservation Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9416.

February 18, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROSANN FITZPATRICK, appointed April 1, 2022, for the term ending March 1, 2025, as Member of the Tax appeals Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9417.

February 24, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JANE HOPKINS, appointed February 24, 2022, for the term ending June 30, 2022, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9418.

February 25, 2022

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRISTOPHER WITHERSPOON, appointed February 25, 2022, for the term ending September 30, 2026, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9419.

**MOTION**

On motion of Senator Pedersen, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

February 26, 2022

MR. PRESIDENT:

FIFTIETH DAY, FEBRUARY 28, 2022

The House has passed:

SUBSTITUTE SENATE BILL NO. 5252,  
 SUBSTITUTE SENATE BILL NO. 5546,  
 SUBSTITUTE SENATE BILL NO. 5564,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 26, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1814,  
 HOUSE BILL NO. 2024,  
 SUBSTITUTE HOUSE BILL NO. 2099,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5983 by Senators Keiser and Schoesler

AN ACT Relating to protecting consumers from untested and unregulated cannabinoid products by expanding agency regulatory authority over cannabinoids that may be impairing, modifying definitions in the uniform controlled substances act, prohibiting the sale of certain cannabinoid products except by licensed cannabis businesses, regulating the use of additives in cannabis products, requiring product testing and disclosures, prohibiting the manufacture and sale of artificial cannabinoids, requiring agency rules before the manufacture and sale of synthetically derived cannabinoids, prohibiting artificial cannabinoids and synthetically derived cannabinoids in products labeled as compliant with department of health product standards and available for an existing sales and use tax exemption, and establishing a temporary license fee surcharge on certain licensees of the liquor and cannabis board and enforcing sales of cannabinoid products that may be impairing or are marketed as impairing; amending RCW 69.50.325, 69.50.326, 69.50.342, 69.50.363, 69.50.455, 69.50.375, 82.08.9998, 82.12.9998, 70.345.050, 82.24.510, 82.24.530, and 82.26.170; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways &amp; Means.

## MOTIONS

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

## MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION  
 8659

By Senators Liias and Robinson

WHEREAS, Lifelong Mukilteo resident Jennifer Gregerson served as the Mayor of the City of Mukilteo from 2014 until 2022; and

WHEREAS, Jennifer Gregerson was first elected to the Mukilteo City Council in 2003, serving as a city councilmember for 10 years where she worked to advance smart land use policies, championed the preservation of Japanese Gulch, and modernized and expanded essential public safety services; and

WHEREAS, In 2014, Mayor Gregerson became the first and only woman to serve the city as mayor and used her position to act as a role model to young women interested in civic service; and

WHEREAS, Mayor Gregerson was instrumental in pushing Mukilteo to adopt a Housing Action Plan to address housing needs in her community; and

WHEREAS, Mayor Gregerson oversaw the completion of the Harbour Reach Corridor Project, a long-awaited community need, to construct a multimodal corridor for freight, motorists, walkers, and rollers alike; and

WHEREAS, Mayor Gregerson has been a passionate advocate for "green" initiatives by helping add multiple miles of bike lanes to Mukilteo and encouraging bike use, creating the City's first Green Team composed of city employees focused on sustainability, and creating the City's Climate Action Plan; and

WHEREAS, Mayor Gregerson "practiced what she preached" and could regularly be seen traveling around the city and the region on her bike; and

WHEREAS, Mayor Gregerson spearheaded the transformation of the Mukilteo Waterfront into a vibrant space filled with opportunity that the community could be proud of; and

WHEREAS, Mayor Gregerson helped protect green space in the city of Mukilteo by overseeing the expansion and preservation of the Japanese Gulch Park which serves as a place for residents and visitors to hike, bike, trail run, and walk their dogs; and

WHEREAS, Mayor Gregerson helped facilitate the creation of the Byers Family Park, also known as the Peace Park, which commemorates Anna Bui, Jordan Ebner, Jake Long, and all those lost to violence and offers a place of peaceful reflection for loved ones and visitors; and

WHEREAS, Mayor Gregerson has and continues to support her community as a board member for the Domestic Violence Services in Snohomish County which provides essential services for people suffering from domestic abuse to help support them and others affected;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the accomplishments and remarkable public service of Mukilteo Mayor Jennifer Gregerson and honor her dedication to her city and the contributions she continues to make to her community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mayor Jennifer Gregerson.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

## MOTION

Senator Holy moved adoption of the following resolution:

SENATE RESOLUTION  
8656

By Senators Holy and King

WHEREAS, Cooper Kupp was born and raised in Yakima, and is the son of former Pacific Lutheran University and National Football League quarterback Craig Kupp and is the grandson of former NFL offensive lineman Jake Kupp; and

WHEREAS, Cooper Kupp played football at Davis High School in Yakima, earning class 4A all-state honors as a defensive back and state honorable-mention honors as a receiver in his senior year, and later helped lead the Davis Pirates to the state 4A title in boys' basketball as a senior; and

WHEREAS, Cooper Kupp received only two scholarship offers to play college football – one from Idaho State University and the other from Eastern Washington University; and

WHEREAS, Cooper Kupp chose to play football for Eastern Washington University, finishing his college career with 428 receptions, 6,464 yards, and 73 touchdowns, setting NCAA Division I Football Championship Subdivision career records for receptions, receiving yards, and touchdown receptions; and

WHEREAS, Cooper Kupp was a two-time Big Sky Conference Offensive Player of the Year and a four-time first-team FCS All-American; and

WHEREAS, Cooper Kupp won the 2013 Jerry Rice Award, given to the top freshman in FCS football, and he would later share with Rice the distinction of being the only receivers in league history to win a triple crown (catches, yards, and touchdowns), earn offensive player of the year honors, and win the Super Bowl MVP (Kupp did it in the 2021-22 season alone); and

WHEREAS, Cooper Kupp was a two-time offensive player of the year in FCS, and won the Walter Payton Award in 2015; and

WHEREAS, Cooper Kupp was a four-time Academic All-America selection, a two-time member of the FCS ADA Academic All-Star Team, and a four-time recipient of Big Sky Conference All-Academic honors; and

WHEREAS, Cooper Kupp was drafted in the third round of the 2017 National Football League draft by the Los Angeles Rams, who chose Kupp with the 69th overall pick in that year's draft; and

WHEREAS, Cooper Kupp became a starter during his rookie season, finishing 2017 with 62 receptions for 869 yards and five touchdowns; and

WHEREAS, Cooper Kupp rebounded from a season-ending knee injury in 2018 to finish the 2019 season with 94 catches for 1,161 yards and 10 touchdowns, all NFL career highs for him up to that point; and

WHEREAS, Cooper Kupp had one of the greatest seasons for a receiver in NFL history in 2021, finishing with 145 receptions, second most in a season in NFL history; 1,947 receiving yards, also second most in a season in NFL history; and 16 receiving touchdowns, leading the league in all three categories and earning first-team All-Pro honors; and

WHEREAS, Cooper Kupp continued his excellent and historic performance in the playoffs, with 33 receptions for 478 yards and six touchdowns in four games, including the game-winning reception late in the fourth quarter of the Rams' 23-20 win over the Cincinnati Bengals in Super Bowl 56, in which Kupp was named Most Valuable Player;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate Yakima native Cooper Kupp on his outstanding play first at Eastern Washington

University, and now as a NFL player with the Los Angeles Rams, even if they are a rival of our beloved Seattle Seahawks; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize Cooper Kupp for his impressive work ethic as a pro football player and his enduring humility.

Senator Holy spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator Holy carried and the resolution was adopted by voice vote.

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION  
8660

By Senator Warnick

WHEREAS, Agriculture is a cornerstone of Washington's economy, supporting hundreds of thousands of jobs and generating billions of dollars in revenue, and the future of agriculture is supported by service organizations cultivating the next generation of leaders; and

WHEREAS, The Washington Future Farmers of America Association currently supports approximately 11,000 student members throughout the state of Washington in nine regional FFA districts; and

WHEREAS, The FFA motto, "Learning to do, doing to learn, earning to live, living to serve," guides students toward advancing their agricultural education and instilling purpose to their lives; and

WHEREAS, FFA members at the organization's 94th national convention, held in Indianapolis, elected officers for 2021-22, resulting in a historic first as Cole Baerlocher from Colfax, Washington, was elected the first National FFA President from Washington state; and

WHEREAS, Cole held office as the secretary at his local chapter, progressing through various leadership positions as Chapter, District, and State-Level President; and

WHEREAS, Washington FFA members contribute to the \$4,400,000,000 generated nationally through Supervised Agricultural Experience (SAE) programs, and Cole harnessed his experience in graphic design by exhibiting a market lamb project at the Palouse Empire Fair in Colfax; and

WHEREAS, Cole's family, friends, and FFA colleagues and mentors describe him as energetic, athletic, engaging, and one who keeps things exciting and everyone on their toes; and

WHEREAS, Cole has earned a State Degree and an American Degree, and he won the State Prepared Public Speaking competition in 2019, received silver in the National Prepared Public Speaking competition, and in 2020 he placed second in the Washington State Employment Skills competition;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Cole Baerlocher on this historic achievement of being the first Washingtonian as the Future Farmers of America Association's National President, and commend his leadership skills as he works to promote the mission of the FFA and instill values of hard work and service to the next generation of agricultural leaders.

Senator Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

The motion by Senator Warnick carried and the resolution was adopted by voice vote.

MOTION

Senator Fortunato moved adoption of the following resolution:

SENATE RESOLUTION  
8650

By Senator Fortunato

WHEREAS, In 1890, the Police Chief for the city of New Orleans was murdered and reportedly whispered to witnesses a racial slur against Italians as the culprits, leading to the mass arrest of people of Italian descent; and

WHEREAS, 19 of the Americans of Italian descent arrested were eventually indicted, nine of whom were put on trial, six being acquitted and three declared mistrials, all were placed back in prison on other manufactured charges; and

WHEREAS, After the acquittals, many New Orleans residents were outraged by the verdicts, a mob gathered outside the parish prison, numbering in the thousands as anti-Italian sentiment was stirred by assertions of prominent figures in the city that the trials were corrupted by the mafia; and

WHEREAS, On March 14, 1891, a day after the trial, 11 Americans of Italian descent were lynched over their alleged involvement in the death of the city's police chief. Their bodies were indignantly mutilated and displayed for the public to see; and

WHEREAS, Historical accounts implicated New Orleans' political leadership as being complicit in these crimes, and reports in the national news characterized the lynchings as an act of just vengeance rather than racially motivated violence; and

WHEREAS, These crimes were committed during a period of American history marked by a rising tide of anti-Italian sentiment, stoked by economic fears and physical differences of their darker Mediterranean skin color; and

WHEREAS, Although the United States government paid \$25,000 in reparations to the families a year following the lynching, no one has ever been brought to justice; and

WHEREAS, The Sons and Daughters of Italy worked to gain formal recognition of this atrocity, urging the city of New Orleans to take responsibility; and

WHEREAS, The mayor of New Orleans issued a formal Proclamation of Apology in April 2019, after remaining silent for 130 years for the city's complicity in one of the largest lynchings in American history; and

WHEREAS, The United States congress declared the first Italian-American heritage and culture month in October 1989, coinciding with the celebration of Columbus day, authorizing and requesting the President of the United States to issue a proclamation calling upon the people of our great nation to observe the month with appropriate ceremonies and activities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the numerous contributions of Americans of Italian descent to the cultural and economic landscape of Washington and the entire country and join in celebration of Italian Heritage month in October; and

BE IT FURTHER RESOLVED, That the Washington State Senate recommit itself to shining a light on forgotten injustices and applaud the city of New Orleans for righting this historical wrong perpetrated on this group of immigrants who silently endured decades of discrimination and oppression.

Senators Fortunato and Lovick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator Fortunato carried and the resolution was adopted by voice vote.

MOTION

At 9:31 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in standing committee reports later in the day.

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EVENING SESSION

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The Senate was called to order at 11:07 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Pedersen, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING  
COMMITTEES

February 28, 2022  
SB 5309 Prime Sponsor, Senator Rivers: Providing a sales and use tax exemption for adult and baby diapers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2022  
SB 5755 Prime Sponsor, Senator Trudeau: Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of vacant lands in urban areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5755 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Muzzall; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Ranking Minority Member, Capital and Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022

SB 5901 Prime Sponsor, Senator Randall: Concerning economic development tax incentives for targeted counties. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SB 5980 Prime Sponsor, Senator Carlyle: Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5980 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1015 Prime Sponsor, Committee on Finance: Creating the Washington equitable access to credit act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Conway; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital and Billig.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle; Dhingra; Hunt and Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1099 Prime Sponsor, Committee on Appropriations: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1153 Prime Sponsor, Committee on Appropriations: Addressing language access in public schools. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1173 Prime Sponsor, Committee on Capital Budget: Concerning state lands development authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Schoesler, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun and Wagoner.

Referred to Committee on Rules for second reading.

FIFTIETH DAY, FEBRUARY 28, 2022

2022 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 1175 Prime Sponsor, Committee on Finance: Providing a property tax exemption for real property used as a host home associated with a host home program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Carlyle; Gildon; Muzzall and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1181 Prime Sponsor, Committee on Appropriations: Establishing programs and measures to prevent suicide among veterans and military members. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Reentry & Rehabilitation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Dhingra; Gildon and Muzzall.

MINORITY recommendation: Do not pass. Signed by Senators Rivers and Wagoner.

February 28, 2022  
ESHB 1333 Prime Sponsor, Committee on Finance: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Carlyle and Conway.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Hasegawa and Pedersen.

Referred to Committee on Rules for second reading.

February 28, 2022

3SHB 1359 Prime Sponsor, Committee on Commerce & Gaming: Temporarily reducing liquor license fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle and Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022

E4SHB 1412 Prime Sponsor, Committee on Appropriations: Concerning legal financial obligations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1508 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning the sanitary control of shellfish. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1571 Prime Sponsor, Committee on Public Safety: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1590 Prime Sponsor, Committee on Appropriations: Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1593 Prime Sponsor, Committee on Housing, Human Services & Veterans: Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1616 Prime Sponsor, Committee on Health Care & Wellness: Concerning the charity care act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long Term Care. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1620 Prime Sponsor, Committee on Appropriations: Addressing the response to extreme weather events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 1629 Prime Sponsor, Committee on Community & Economic Development: Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments. Reported by Committee on Ways & Means

FIFTIETH DAY, FEBRUARY 28, 2022

2022 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon and Muzzall.

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 1643 Prime Sponsor, Committee on Finance: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital and Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1659 Prime Sponsor, Committee on Appropriations: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1663 Prime Sponsor, Committee on Appropriations: Reducing methane emissions from landfills. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Mullet; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1664 Prime Sponsor, Committee on Appropriations: Concerning prototypical school formulas for physical, social, and emotional support in schools. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Braun; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

MINORITY recommendation: Do not pass. Signed by Senator Gildon.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1666 Prime Sponsor, Representative Wylie: Clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Dhingra; Gildon; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Conway; Muzzall and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Braun and Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022  
E2SHB 1688 Prime Sponsor, Committee on Appropriations: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022  
E2SHB 1691 Prime Sponsor, Committee on Appropriations: Concerning financial responsibility requirements related to oil spills. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Schoesler, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member Brown, Assistant Ranking Member, Operating.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Ranking Minority Member, Capital; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022  
ESHB 1694 Prime Sponsor, Committee on Environment & Energy: Concerning logistical processes for the regulation of priority chemicals in consumer products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Muzzall and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2022  
ESHB 1699 Prime Sponsor, Committee on Appropriations: Permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022  
HB 1700 Prime Sponsor, Representative Paul: Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022  
SHB 1717 Prime Sponsor, Committee on Local Government: Concerning tribal participation in planning under the growth management act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

FIFTIETH DAY, FEBRUARY 28, 2022

2022 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1723 Prime Sponsor, Committee on Appropriations: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Mullet; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1725 Prime Sponsor, Committee on Public Safety: Concerning the creation of an endangered missing person advisory designation for missing indigenous persons. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1736 Prime Sponsor, Committee on Appropriations: Establishing a state student loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1747 Prime Sponsor, Committee on Children, Youth & Families: Supporting relative placements in child welfare proceedings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1751 Prime Sponsor, Committee on Appropriations: Concerning hazing prevention and reduction at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

EHB 1752 Prime Sponsor, Representative Stokesbary: Adding a Roth option to deferred compensation plans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 1753 Prime Sponsor, Committee on Environment & Energy: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1773 Prime Sponsor, Committee on Appropriations: Concerning assisted outpatient treatment for persons with behavioral health disorders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Mullet; Pedersen; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon; Hasegawa; Muzzall; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1780 Prime Sponsor, Representative Slatter: Concerning workforce education investment accountability and oversight board staffing changes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

EHB 1784 Prime Sponsor, Representative Thai: Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking

Member; Cleveland; Das; Fortunato; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1789 Prime Sponsor, Committee on Finance: Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1790 Prime Sponsor, Committee on Transportation: Addressing the creation, display, and material durability of temporary license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1799 Prime Sponsor, Committee on Appropriations: Concerning organic materials management. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Environment, Energy & Technology. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Mullet; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1800 Prime Sponsor, Committee on Children, Youth & Families: Increasing access to behavioral health services for minors. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Behavioral Health Subcommittee to Health & Long Term Care. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1805 Prime Sponsor, Representative Paul: Concerning the opportunity scholarship program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Development. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1812 Prime Sponsor, Committee on Appropriations: Modernizing the energy facility site evaluation council to meet the state's clean energy goals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Environment, Energy & Technology. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair and Gildon.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SHB 1815 Prime Sponsor, Committee on Transportation: Deterring catalytic converter theft. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1818 Prime Sponsor, Committee on Appropriations: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1827 Prime Sponsor, Committee on Appropriations: Creating the community reinvestment account and community reinvestment program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1835 Prime Sponsor, Committee on Appropriations: Creating outreach and completion initiatives to increase postsecondary enrollment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Ranking Minority Member, Capital; Gildon; Muzzall; Rivers and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce & Tribal Affairs. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1860 Prime Sponsor, Committee on Appropriations: Preventing homelessness among persons discharging from inpatient behavioral health settings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Behavioral Health Subcommittee to Health & Long Term Care. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall.

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 1866 Prime Sponsor, Committee on Health Care & Wellness: Assisting persons receiving community support

services through medical assistance programs to receive supportive housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Hasegawa; Muzzall; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Gildon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1888 Prime Sponsor, Representative Thai: Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1890 Prime Sponsor, Committee on Appropriations: Concerning the children and youth behavioral health work group. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Behavioral Health Subcommittee to Health & Long Term Care. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1901 Prime Sponsor, Committee on Civil Rights & Judiciary: Updating laws concerning civil protection orders to

FIFTIETH DAY, FEBRUARY 28, 2022

2022 REGULAR SESSION

further enhance and improve their efficacy and accessibility.  
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 1905 Prime Sponsor, Committee on Appropriations: Reducing homelessness for youth and young adults discharging from a publicly funded system of care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 1928 Prime Sponsor, Representative Schmick: Concerning equine industry support. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Conway; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Robinson, Vice Chair, Operating & Revenue and Dhingra.

Referred to Committee on Rules for second reading.

February 28, 2022

EHB 1931 Prime Sponsor, Representative Fey: Sustaining hydropower license fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1957 Prime Sponsor, Committee on Appropriations: Establishing a small business disaster recovery financial assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Business, Financial Services & Trade. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1958 Prime Sponsor, Committee on Capital Budget: Accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1967 Prime Sponsor, Committee on Appropriations: Concerning property tax exemptions for nonprofits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Business, Financial Services & Trade. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue;

Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1980 Prime Sponsor, Committee on Appropriations: Removing the prohibition on providing employment services and community access services concurrently. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

EHB 1982 Prime Sponsor, Representative Volz: Clarifying the applicability of penalty and interest on personal property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 1984 Prime Sponsor, Committee on Transportation: Protecting privacy of addresses related to vehicle registration certificates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 2007 Prime Sponsor, Representative Slatter: Establishing a nurse educator loan repayment program under the Washington health corps. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital;

Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 2008 Prime Sponsor, Committee on Appropriations: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Reentry & Rehabilitation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 2050 Prime Sponsor, Committee on Appropriations: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2022

SHB 2051 Prime Sponsor, Committee on Appropriations: Providing short-term disaster recovery financial assistance to agricultural producers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

FIFTIETH DAY, FEBRUARY 28, 2022

2022 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 28, 2022

HB 2058 Prime Sponsor, Representative Tharinger: Concerning the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 2074 Prime Sponsor, Representative Wylie: Concerning fees collected from out-of-state residents who register off-road vehicles in Washington. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liiias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 28, 2022

ESHB 2076 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning rights and obligations of transportation network company drivers and transportation network companies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Liiias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Holy; Lovelett; Lovick; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 28, 2022

2SHB 2078 Prime Sponsor, Committee on Appropriations: Establishing the outdoor learning grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

EHB 2096 Prime Sponsor, Representative Thai: Concerning the working families' tax exemption, also known as the working families tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 2097 Prime Sponsor, Representative Donaghy: Changing the definition of first-time home buyer. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

February 28, 2022

HB 2098 Prime Sponsor, Representative Shewmake: Modifying the interest rate for the low-income home rehabilitation revolving loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

At 11:08 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 1, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

## FIFTY FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia  
Tuesday, March 1, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Srish Pathangi led the Senate in the Pledge of Allegiance. Mr. Pathangi, first grade student at Margaret Mead School in Sammamish, was a guest of Senator Dhingra.

The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

## MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

ESHB 1530 by House Committee on Transportation (originally sponsored by Chambers, Springer, Klicker, Jacobsen, Sutherland and Eslick)

AN ACT Relating to creating Washington wine special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

2SHB 1814 by House Committee on Finance (originally sponsored by Shewmake, Berry, Bateman, Duerr, Macri, Ramel, Paul, Bergquist, Fitzgibbon, Pollet, Harris-Talley and Kloba)

AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects; amending RCW 82.16.130 and 82.16.170; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2024 by Representatives Fey, Valdez, Macri and Pollet

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 520 corridor; amending RCW 47.01.412; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SHB 2099 by House Committee on Finance (originally sponsored by Berg, Frame and Sutherland)

AN ACT Relating to improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute

of limitations period for certain egregious tax crimes; amending RCW 82.32.050; reenacting and amending RCW 9A.04.080; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

## MOTION

Senator Gildon moved adoption of the following resolution:

## SENATE RESOLUTION

8641

By Senators Gildon and Conway

WHEREAS, For 89 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today and this year celebrates its 89th anniversary; and

WHEREAS, Each year, 23 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Darya Booker, Puyallup High School; Willow Warren, Lakes High School; Kaitlyn Bolland, Bonney Lake High School; Maeson Sterrenburg, Sumner High School; Amber Burgess, Orting High School; Clara Blakeslee, Curtis High School; Julia Schmidt, White River High School; Aiysha Ali, Foss High School; Samantha Calland, Fife High School; Caitlyn Ye, Stadium High School; Andrea Galvin, Silas High School; Julia Odhiambo, Rogers High School; Arin Havenstrite, Emerald Ridge High School; Victoria Plom, Franklin Pierce High School; Zana Stewart, Bethel High School; Alexis Powell, Eatonville High School; Isha Hussein, Lincoln High School; Lilly Nonamaker, Clover Park High School; Kaely Harding, Graham Kapowsin High School; Sydney Brickey, Spanaway Lake High School; Nakiya-Rene Jastillana, Washington High School; Thien-Ha Ngo, Mount Tahoma High School; and Faith Hudson, Chief Leschi High School. In recognition of the three princesses who were not included on the 2021 Daffodil Royal Court resolution, we would like to acknowledge: Livy Sanders, Bethel High

School; Mackenzie Sunde, Spanaway Lake High School; and Hailee Englehart, Emerald Ridge High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 89 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2022 Daffodil Festival officers and to the 23 members of the 2022 Daffodil Festival royalty.

Senators Gildon and Conway spoke in favor of adoption of the resolution.

#### MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Gildon carried and the resolution was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Nguyen moved that Allen W. Hayward, Senate Gubernatorial Appointment No. 9358, be confirmed as a member of the Public Disclosure Commission.

Senators Nguyen and Padden spoke in favor of passage of the motion.

#### APPOINTMENT OF ALLEN W. HAYWARD

The President declared the question before the Senate to be the confirmation of Allen W. Hayward, Senate Gubernatorial Appointment No. 9358, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Allen W. Hayward, Senate Gubernatorial Appointment No. 9358, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Robinson, Rolfes and Van De Wege  
Excused: Senator McCune

Allen W. Hayward, Senate Gubernatorial Appointment No. 9358, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Rozanne E. Garman, Senate Gubernatorial Appointment No. 9345, be confirmed as a member of the South Puget Sound Community College Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF ROZANNE E. GARMAN

The President declared the question before the Senate to be the confirmation of Rozanne E. Garman, Senate Gubernatorial Appointment No. 9345, as a member of the South Puget Sound Community College Board of Trustees.

The Secretary called the roll on the confirmation of Rozanne E. Garman, Senate Gubernatorial Appointment No. 9345, as a member of the South Puget Sound Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Van De Wege

Excused: Senator McCune

Rozanne E. Garman, Senate Gubernatorial Appointment No. 9345, having received the constitutional majority was declared confirmed as a member of the South Puget Sound Community College Board of Trustees.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1122, by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

Concerning the retirement age for state guard members.

The measure was read the second time.

#### MOTION

On motion of Senator Lovick, the rules were suspended, House Bill No. 1122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1122.

#### ROLL CALL

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 1122 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Van De Wege  
Excused: Senator McCune

HOUSE BILL NO. 1122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President noted that senators need not wait for another senator to complete remarks before using the request-to-speak button. Senators can request to speak as soon as their name has been cleared. A button had been used as voting opened and the member could not be recognized in a timely manner.

PARLIAMENTARY INQUIRY

Senator Padden: “My point of inquiry is a point of information and I confess, Mr. President, I apologize, I was the senator you were speaking about here. But I did wonder, Mr. President, how a senator in our chamber could be a sponsor of a bill in the other chamber and still speak on it in this chamber.”

REPLY BY THE PRESIDENT

President Heck: “Asked and answered.”

MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1165, by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

Concerning the Washington credit union act.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed House Bill No. 1165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1165.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1165 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Gildon, Honeyford, King, Schoesler and Warnick  
Excused: Senator McCune

ENGROSSED HOUSE BILL NO. 1165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5252,  
SUBSTITUTE SENATE BILL NO. 5546,  
and SUBSTITUTE SENATE BILL NO. 5564.

SECOND READING

HOUSE BILL NO. 1612, by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

Making technical cross-reference corrections in statutes governing unemployment insurance.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1612 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator McCune

HOUSE BILL NO. 1612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1794, by House Committee on Labor & Workplace Standards (originally sponsored by Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young)

Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1794.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1794 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator McCune

SUBSTITUTE HOUSE BILL NO. 1794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1834, by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

Concerning student excused absences for mental health reasons.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1834.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1834 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator McCune

HOUSE BILL NO. 1834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1785, by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants.

The measure was read the second time.

## MOTION

Senator Lias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.380 and 2018 c 140 s 1 are each amended to read as follows:

(1)(a) The minimum monthly salary paid to state patrol troopers and sergeants must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during each biennium. ~~((The salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.))~~ Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section. Increases ~~((#))~~ for sergeants will be extended to the salary levels for captains and lieutenants ~~((that are collectively bargained must be proportionate to the))~~ through the collective bargaining process to ensure proportionality of increases ~~((in salaries for troopers and sergeants as a result of the survey described in this section)).~~

(b)(i) Until July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

(ii) Beginning July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department, unless the office of financial management determines that one or more agencies should be replaced in this comparison with another law enforcement agency pursuant to the periodic evaluation process specified in (b)(iii) of this subsection.

(iii) By January 1, 2028, and each decade thereafter, the office of financial management must conduct an evaluation of the six agencies that are relevant for comparison to ensure state patrol troopers and sergeant salary levels are competitive with other law enforcement agencies within the boundaries of the state of Washington. If the office of financial management determines that one or more agencies specified in (b)(ii) of this subsection should be replaced in this comparison with a different law enforcement agency that is more relevant to ensure salary competitiveness, the office of financial management may utilize that revised compensation comparison data in the survey undertaken in the collective bargaining process during each biennium.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

~~((3) This section expires June 30, 2025.)~~

**Sec. 2.** RCW 41.56.475 and 2008 c 149 s 1 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030 ~~((7))~~ (14), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) Within ~~((ten))~~ 10 working days after the first Monday in September of every odd-numbered year, the state's bargaining representative and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally

between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of ~~((like personnel of))~~ like employers of similar size ~~((on the west coast of the United States))~~ identified in RCW 43.43.380;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

On page 1, line 2 of the title, after "sergeants;" strike the remainder of the title and insert "and amending RCW 43.43.380 and 41.56.475."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1785.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 1785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1785 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1785 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator McCune

HOUSE BILL NO. 1785 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:45 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:47 p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Sharonne A. Navas, Senate Gubernatorial Appointment No. 9019, be confirmed as a member of the Green River College Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF SHARONNE A. NAVAS

The President declared the question before the Senate to be the confirmation of Sharonne A. Navas, Senate Gubernatorial Appointment No. 9019, as a member of the Green River College Board of Trustees.

The Secretary called the roll on the confirmation of Sharonne A. Navas, Senate Gubernatorial Appointment No. 9019, as a member of the Green River College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Sharonne A. Navas, Senate Gubernatorial Appointment No. 9019, having received the constitutional majority was declared

confirmed as a member of the Green River College Board of Trustees.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Rolfes moved that Claire Hesselholt, Senate Gubernatorial Appointment No. 9289, be confirmed as a member of the Board of Tax Appeals.

Senator Rolfes spoke in favor of the motion.

#### APPOINTMENT OF CLAIRE HESSELHOLT

The President declared the question before the Senate to be the confirmation of Claire Hesselholt, Senate Gubernatorial Appointment No. 9289, as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Claire Hesselholt, Senate Gubernatorial Appointment No. 9289, as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

Claire Hesselholt, Senate Gubernatorial Appointment No. 9289, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2046, by House Committee on State Government & Tribal Relations (originally sponsored by Stonier, Abbarno and Senn)

Concerning ethics in public service rules governing certain legislative activity.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 2046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2046.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2046 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Honeyford

SUBSTITUTE HOUSE BILL NO. 2046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1286,  
HOUSE BILL NO. 1719,  
SUBSTITUTE HOUSE BILL NO. 1735,  
HOUSE BILL NO. 1798,  
SUBSTITUTE HOUSE BILL NO. 1878,  
HOUSE BILL NO. 1899,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 1, 2022

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5252,  
SUBSTITUTE SENATE BILL NO. 5546,  
SUBSTITUTE SENATE BILL NO. 5564,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 1894, by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

Concerning the period for juvenile diversion agreements.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, House Bill No. 1894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1894.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1894 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1286,  
HOUSE BILL NO. 1719,  
SUBSTITUTE HOUSE BILL NO. 1735,  
HOUSE BILL NO. 1798,  
SUBSTITUTE HOUSE BILL NO. 1878,  
and HOUSE BILL NO. 1899.

## SECOND READING

HOUSE BILL NO. 2061, by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff

Adding permanently affordable housing to the definition of public improvements.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2061.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Hawkins, Holy, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

HOUSE BILL NO. 2061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1851, by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

Preserving a pregnant individual's ability to access abortion care.

The measure was read the second time.

## MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** **Sec. 1.** The legislature affirms that:

(1) It is the longstanding public policy of this state to promote access to affordable, high quality sexual and reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers. In 1970 Washington was one of the first states to decriminalize abortion before *Roe v. Wade*; and in 1991 the people of Washington passed Initiative Measure 120, the reproductive privacy act, further protecting access to abortion services;

(2) It has been 30 years since the passage of the reproductive privacy act. It is time that we modernize and update the language to reflect current medical practice;

(3) In 2004 and 2019, respectively, Washington attorneys general Christine Gregoire and Robert W. Ferguson issued opinions clarifying that Washington state law allows certain qualified advanced practice clinicians to provide early in-clinic and medication abortion care and recommended that Washington statutes be updated to provide further clarity;

(4) Although the abortion rights movement has historically centered on women in our advocacy, that must no longer be the case and it is critical that we recognize that transgender, nonbinary, and gender expansive people also get pregnant and require abortion care. Washington's law should reflect the most inclusive understanding of who needs abortions and be updated with gender neutral language. All people deserve access to qualified providers in their community who can provide whatever method of abortion care works for them and no individual who chooses to manage their own abortion should fear arrest or prosecution because of their pregnancy decision or outcome; and

(5) All people deserve to make their own decisions about their pregnancies, including deciding to end a pregnancy. It is the public policy of the state of Washington to continue to protect and advance equal rights to access abortion care that meets each individual's needs, regardless of gender or gender identity, race, ethnicity, income level, or place of residence.

**Sec. 2.** RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as follows:

The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every (~~woman~~) pregnant individual has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902;

(3) Except as specifically permitted by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or interfere with a (~~woman's~~) pregnant individual's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

**Sec. 3.** RCW 9.02.110 and 1992 c 1 s 2 are each amended to read as follows:

The state may not deny or interfere with a (~~woman's~~) pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect (~~her~~) the pregnant individual's life or health.

A physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

**Sec. 4.** RCW 9.02.130 and 1992 c 1 s 4 are each amended to read as follows:

The good faith judgment of a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice as to viability of the fetus or as to the risk to life or health of a (~~woman~~) pregnant individual and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

**Sec. 5.** RCW 9.02.140 and 1992 c 1 s 5 are each amended to read as follows:

Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the (~~woman~~) pregnant individual who is terminating (~~her~~) the pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the (~~woman's~~) pregnant individual's right to have an abortion as defined by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902.

**Sec. 6.** RCW 9.02.160 and 1992 c 1 s 7 are each amended to read as follows:

If the state provides, directly or by contract, maternity care benefits, services, or information (~~to women~~) through any

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

program administered or funded in whole or in part by the state, the state shall also provide ~~((women))~~ pregnant individuals otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

**Sec. 7.** RCW 9.02.170 and 1992 c 1 s 8 are each amended to read as follows:

For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice on the particular facts of the case before such physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Physician assistant" means a physician assistant licensed to practice under chapter 18.71A RCW in the state of Washington.

(6) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(7) "Health care provider" means a ~~((physician or a))~~ person ((acting under the general direction of a physician)) regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

~~((6))~~ (8) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

~~((7))~~ (9) "Private medical facility" means any medical facility that is not owned or operated by the state.

**Sec. 8.** RCW 9.02.120 and 1992 c 1 s 3 are each amended to read as follows:

Unless authorized by RCW 9.02.110, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section."

MOTION

Senator Warnick moved that the following amendment no. 1279 by Senator Warnick be adopted:

On page 3, after line 2, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may not terminate a pregnancy or assist in terminating a

pregnancy unless they furnish proof in a form satisfactory to their disciplining authority that they meet the qualifications adopted pursuant to section 9 of this act."

On page 5, after line 2, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 9.02 RCW to read as follows:

(1) The Washington medical commission and the nursing care quality assurance commission shall jointly adopt rules establishing the minimum academic and experiential qualifications necessary for a physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice to terminate a pregnancy or assist in terminating a pregnancy. The qualifications established in rule must, to the extent possible, be identical to the training and experience in abortions necessary for a physician to be board certified in obstetrics-gynecology.

(2) The Washington medical commission and the nursing care quality assurance commission shall adopt the rules required by subsection (1) of this section no later than January 1, 2023."

On page 5, line 5, after "9.02.120;" insert "adding a new section to chapter 9.02 RCW;"

Senators Warnick, Fortunato, Padden, Short and Sefzik spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Cleveland, Randall and Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1279 by Senator Warnick on page 3, after line 2 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1279 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1281 by Senator Short be adopted:

On page 3, after line 2, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may not terminate a pregnancy unless a physician is physically present during the procedure."

Senators Short and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Cleveland spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1281 by Senator Short on page 3, after line 2 to committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1281 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1285 by Senator Fortunato be adopted:

On page 3, after line 2, insert the following:

"No termination of pregnancy by a physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice as permitted by this section shall be performed except with the informed consent from the patient upon whom the procedure is to

be performed. The consent to the termination of pregnancy is informed when:

(1) The physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice has informed the patient of the procedure's risks, which includes uterine perforation, potential involvement with the bile duct or bladder, and the possibility of postprocedural hemorrhage; and

(2) The patient has stated the patient has been informed of the risks as outlined."

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Cleveland spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1285 by Senator Fortunato on page 3, after line 2 to committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1285 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1280 by Senator Fortunato be adopted:

On page 4, line 38, after "outcomes," strike "Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent."

Senators Fortunato and Sefzik spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Cleveland and Van De Wege spoke against adoption of the amendment to the committee striking amendment.

#### MOTION

Senator Van De Wege demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fortunato on page 4, line 38 to committee striking amendment.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Fortunato and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Short moved that the following amendment no. 1282 by Senator Short be adopted:

On page 5, after line 2, insert the following:

"NEW SECTION. Sec. 9. The department of health shall conduct a sunrise review under chapter 18.120 RCW to evaluate all licensed health professions and determine the health professions where a licensed health care provider in that health profession may terminate a pregnancy when acting within that licensed health care provider's scope of practice.

NEW SECTION. Sec. 10. (1) Sections 1 through 8 of this act take effect when the department of health has completed the sunrise review as outlined in section 9 of this act and the results have been made publicly available.

(2) The department of health must provide written notice of the effective date of sections 1 through 8 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

On page 5, beginning on line 5, after "9.02.120;" strike "and creating a new section." and insert "creating new sections; and providing a contingent effective date."

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Cleveland spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1282 by Senator Short on page 5, after line 2 to committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1282 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 1289 by Senator Padden be adopted:

On page 5, line 2, after "consent" insert "except in cases where the person offering aid or assistance acts with gross negligence causing injury or harm to the pregnant individual"

Senators Padden, Fortunato and Sefzik spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Cleveland spoke against adoption of the amendment to the committee striking amendment.

#### MOTION

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 5, line 2 to committee striking amendment.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias,

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

Senator Randall spoke in favor of adoption of the committee striking amendment.

HOUSE BILL NO. 1761, by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

Senator Warnick spoke against adoption of the committee striking amendment.

Allowing nurses to dispense opioid overdose reversal medication in the emergency department.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed House Bill No. 1851.

The measure was read the second time.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

## MOTION

## MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed House Bill No. 1851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Frockt, the rules were suspended, House Bill No. 1761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Randall and Lias spoke in favor of passage of the bill.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

Senators Warnick, Short, Fortunato and Sefzik spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1761.

## POINT OF ORDER

## ROLL CALL

Senator Billig: "Several times in the gentleman's speech he has impugned the motives of other members, talking about bait and switch in the comments he was just making, and I would ask you to remind the member of the prohibition on impugning the motives of other members on the floor. Thank you."

The Secretary called the roll on the final passage of House Bill No. 1761 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

## RULING BY THE PRESIDENT

President Heck: "The rules are clear on this point. There is to be no impugning of motives of one another irrespective of philosophy or party.

Senators Sefzik, McCune and Padden spoke against passage of the bill.

HOUSE BILL NO. 1761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1851 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1851 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

HOUSE BILL NO. 1755, by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

Concerning temporary assistance for needy families time limit extensions during times of high unemployment.

The measure was read the second time.

## MOTION

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

On motion of Senator Wilson, C., the rules were suspended, House Bill No. 1755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

ENGROSSED HOUSE BILL NO. 1851 as amended by the Senate, having received the constitutional majority, was declared

The President declared the question before the Senate to be the final passage of House Bill No. 1755.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1755 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, McCune, Padden, Schoesler, Short and Wilson, J.

HOUSE BILL NO. 1755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, by House Committee on Health Care & Wellness (originally sponsored by Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet)

Creating a new health profession for birth doulas.

The measure was read the second time.

## MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Birth doula" means a person that is a nonmedical birth coach or support person trained to provide physical, emotional, and informational support to birthing persons during pregnancy, antepartum, labor, birth, and the postpartum period. Birth doulas advocate for and support birthing people and families to self-advocate by helping them to know their rights and make informed decisions. Birth doulas do not provide medical care.

(3) "Postpartum period" means the 12-month period beginning on the last day of the pregnancy.

(4) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 2.** (1) A birth doula may voluntarily apply for certification from the department under this section.

(2) The department shall issue a certification to any applicant who has met the following requirements:

(a) Submitted a completed application as required by the department;

(b) Satisfactorily completed competencies that meet the requirements established by the secretary;

(c) Has not engaged in unprofessional conduct as defined in RCW 18.130.180;

(d) Is not currently subject to any disciplinary proceedings; and

(e) Paid a certification fee established by the secretary in rule.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and the discipline of certified birth doulas under this chapter.

**NEW SECTION. Sec. 3.** (1) The secretary shall:

(a) In collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for black and brown communities, adopt rules establishing the competency-based requirements that a birth doula must meet to obtain certification. The rules must establish processes that allow for applicants to meet the competency-based requirements through the following pathways:

(i) Successful completion of training and education programs approved by the secretary; and

(ii) Submission of proof of successful completion of culturally congruent ancestral practices, training, and education that the secretary must review and determine whether the training and education meet the competency-based requirements;

(b) Establish certification and renewal fees, administrative procedures, continuing education, administrative requirements, and forms necessary to implement this chapter in accordance with RCW 43.70.250 and 43.70.280;

(c) Maintain a record of all applicants and certifications under this chapter; and

(d) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter.

(2) All fees collected under this chapter must be credited to the health professions account as required under RCW 43.70.320.

**NEW SECTION. Sec. 4.** (1) Nothing in this chapter prohibits a person from practicing as a birth doula without obtaining certification under this chapter.

(2) No person may use the title "state-certified birth doula" in connection with the person's name to indicate or imply, directly or indirectly, that the person is a state-certified birth doula without being certified in accordance with this chapter as a birth doula.

**Sec. 5.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

- (xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;
  - (xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;
  - (xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;
  - (xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
  - (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
  - (xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;
  - (xviii) Surgical technologists registered under chapter 18.215 RCW;
  - (xix) Recreational therapists under chapter 18.230 RCW;
  - (xx) Animal massage therapists certified under chapter 18.240 RCW;
  - (xxi) Athletic trainers licensed under chapter 18.250 RCW;
  - (xxii) Home care aides certified under chapter 18.88B RCW;
  - (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
  - (xxiv) Reflexologists certified under chapter 18.108 RCW;
  - (xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~
  - (xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and
  - (xxvii) Birth doulas certified under chapter 18.--- RCW (the new chapter created in section 7 of this act).
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
  - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
  - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;
  - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
  - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
  - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
  - (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;
  - (viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
  - (ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
  - (x) The board of physical therapy as established in chapter 18.74 RCW;
  - (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
  - (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW;
- (xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and
- (xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 6. The secretary may adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 7. Sections 1 through 4 and 6 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act take effect October 1, 2023."

On page 1, line 2 of the title, after "doulas;" strike the remainder of the title and insert "amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date."

Senator Cleveland spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 1881.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Muzzall, Nobles and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1881 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1881 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1744, by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed House Bill No. 1744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Wilson, J. and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1744.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1744 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildas, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

ENGROSSED HOUSE BILL NO. 1744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Health Care & Wellness (originally sponsored by Schmick, Riccelli, Cody and Graham)

Concerning the definition of established relationship for purposes of audio-only telemedicine.

The measure was read the second time.

#### MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.700 and 2021 c 157 s 1 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

FIFTY FIRST DAY, MARCH 1, 2022

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment;

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

**Sec. 2.** RCW 48.43.735 and 2021 c 157 s 2 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must

obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

- (A) The use of facsimile or email; or
  - (B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;
- (b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) - (10))~~ (10) The commissioner may adopt any rules necessary to implement this section.

**Sec. 3.** RCW 71.24.335 and 2021 c 157 s 4 and 2021 c 100 s 1 are each reenacted and amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider;

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or

managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ~~((the))~~

(ii) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ~~((within the past year))~~ and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(g) "Provider" has the same meaning as in RCW 48.43.005;

(h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9)-(10))~~ (10) The authority must adopt rules as necessary to implement the provisions of this section.

**Sec. 4.** RCW 74.09.325 and 2021 c 157 s 5 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws

governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020~~((f))~~, or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or  
((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video

technology, with the covered person (~~within the past year~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(i) "Provider" has the same meaning as in RCW 48.43.005;

(j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700,

48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 1821.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1821 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1821 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1779, by House Committee on Labor & Workplace Standards (originally sponsored by Callan, Bronoske, Sells, Dolan and Ramos)

Requiring policies addressing surgical smoke.

The measure was read the second time.

#### MOTION

Senator King moved that the following amendment no. 1198 by Senator Keiser be adopted:

On page 2, line 20, strike "and"

On page 2, line 22, after "hospitals" insert "; and"

(4) Hospitals that qualify as a medicare dependent hospital"

On page 2, after line 22, insert the following:

"**NEW SECTION. Sec. 3.** (1) The surgical smoke evacuation account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other funding directed for deposit into

the account. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for purposes provided in subsection (3) of this section.

(2) By July 1, 2025, the director of the department of labor and industries must certify to the state treasurer the amount of any unobligated moneys in the surgical smoke evacuation account that were appropriated by the legislature from the general fund during the 2023-2025 fiscal biennium, and the treasurer must transfer those moneys back to the general fund.

(3)(a) Subject to the funds available in the surgical smoke evacuation account and beginning January 2, 2025, a hospital described in (b) of this subsection may apply to the department of labor and industries for reimbursement for the costs incurred by the hospital on or before January 1, 2025, to purchase and install smoke evacuation systems as defined in section 1 of this act. The reimbursement may not exceed \$1,000 for each operating room in the hospital. The reimbursements under this subsection are only available until moneys contained in the account are exhausted.

(b) Only the following hospitals may apply for reimbursement:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than 25 acute care beds in operation;

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(iv) Hospitals that qualify as a medicare dependent hospital.

(c) The department of labor and industries must determine the process for making an application for reimbursement."

On page 1, line 2 of the title, after "49.17 RCW;" insert "creating a new section;"

Senators King and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1198 by Senator Keiser on page 2, line 20 to Substitute House Bill No. 1779.

The motion by Senator King carried and amendment no. 1198 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1779 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

Voting nay: Senators McCune, Padden, Schoesler, Short and Wagoner

SUBSTITUTE HOUSE BILL NO. 1779 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1210, by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, Johnson, J., Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley)

Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1210.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1210 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Dozier, Fortunato, Honeyford, McCune, Padden, Schoesler, Sefzik and Wilson, J.

SECOND SUBSTITUTE HOUSE BILL NO. 1210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1769, by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

Concerning community municipal corporations.

The measure was read the second time.

## MOTION

Senator Fortunato moved that the following amendment no. 1256 by Senator Fortunato be adopted:

On page 1, at the beginning of line 9, insert "(1)"

On page 3, after line 5, insert the following:

"(2) At least seven months prior to the expiration of a community municipal corporation, the community municipal corporation council must publish its decision to either:

(a) Initiate a resolution to be annexed all or in part to another city or town, pursuant to chapter 35.10 RCW; or

(b) Propose the incorporation of a city or town covering the service area of the existing community municipal corporation, pursuant to chapter 35.02 RCW. A community municipal corporation that publishes its decision to incorporate as a city or town pursuant to chapter 35.02 RCW is exempt from the provisions of RCW 35.02.010 and may be reincorporated with a simple majority of voters residing within its service area.

(3) If the community municipal corporation does not publish its decision to incorporate or annex to another city or town at least seven months prior to its expiration, the community municipal corporation must consolidate with the city or town in which its service area resides upon the expiration of its term."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1256 by Senator Fortunato on page 1, line 9 to House Bill No. 1769.

The motion by Senator Fortunato did not carry and amendment no. 1256 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1257 by Senator Fortunato be adopted:

On page 1, beginning on line 12, after "~~city~~")" strike all material through "sooner" on line 13 and insert "or until the expiration of the community municipal corporation councilmember terms, whichever is sooner"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1257 by Senator Fortunato on page 1, line 12 to House Bill No. 1769.

The motion by Senator Fortunato did not carry and amendment no. 1257 was not adopted by voice vote.

## MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1769.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1769 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Van De Wege and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Gildon, Holy, Honeyford, McCune, Mullet, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wellman, Wilson, J. and Wilson, L.

Absent: Senator Sheldon

HOUSE BILL NO. 1769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1669, by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

Concerning disability benefits in the public safety employees' retirement system.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1669.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1669 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Sheldon

HOUSE BILL NO. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1675, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli)

Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1675.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1675 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:38 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### EVENING SESSION

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The Senate was called to order at 6:33 p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Padden, the Senate advanced to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Dhingra moved that Kimberly N. Gordon, Senate Gubernatorial Appointment No. 9236, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Dhingra spoke in favor of the motion.

#### MOTION

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

On motion of Senator Wagoner, Senator Schoesler was excused.

confirmed as a member of the Sentencing Guidelines Commission.

## APPOINTMENT OF KIMBERLY N. GORDON

## MOTION

The President declared the question before the Senate to be the confirmation of Kimberly N. Gordon, Senate Gubernatorial Appointment No. 9236, as a member of the Sentencing Guidelines Commission.

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

The Secretary called the roll on the confirmation of Kimberly N. Gordon, Senate Gubernatorial Appointment No. 9236, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2068, by House Committee on Children, Youth & Families (originally sponsored by Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba)

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Creating the imagination library of Washington program.

The measure was read the second time.

Excused: Senator Schoesler

## MOTION

Kimberly N. Gordon, Senate Gubernatorial Appointment No. 9236, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 2068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2068.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## ROLL CALL

## MOTION

Senator Dhingra moved that Jon Tunheim, Senate Gubernatorial Appointment No. 9238, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Dhingra and Padden spoke in favor of passage of the motion.

The Secretary called the roll on the final passage of Substitute House Bill No. 2068 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

## APPOINTMENT OF JON TUNHEIM

The President declared the question before the Senate to be the confirmation of Jon Tunheim, Senate Gubernatorial Appointment No. 9238, as a member of the Sentencing Guidelines Commission.

SUBSTITUTE HOUSE BILL NO. 2068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the confirmation of Jon Tunheim, Gubernatorial Appointment No. 9238, as a member of the Sentencing Senate Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

## SECOND READING

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley)

Concerning appliance efficiency standards.

The measure was read the second time.

Excused: Senator Schoesler

Jon Tunheim, Senate Gubernatorial Appointment No. 9238, having received the constitutional majority was declared

## MOTION

Senator Short moved that the following amendment no. 1295 by Senator Short be adopted:

- On page 4, beginning on line 17, strike all of subsection (28) Renumber the remaining subsections consecutively and correct any internal references accordingly.
- On page 4, beginning on line 34, strike all of subsection (31) Correct any internal references accordingly.
- On page 8, beginning on line 3, strike all of subsection (28) Renumber the remaining subsections consecutively and correct any internal references accordingly.
- On page 8, beginning on line 20, strike all of subsection (31) Correct any internal references accordingly.
- On page 9, line 12, strike all of subsection (1)(s) Reletter the remaining subsections consecutively and correct any internal references accordingly.
- Beginning on page 13, line 39, strike all of subsection (18) Renumber the remaining subsections consecutively and correct any internal references accordingly.
- On page 15, line 17, strike all of subsection (4)(a) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Short spoke in favor of adoption of the amendment.  
 Senator Carlyle spoke against adoption of the amendment.  
 The President declared the question before the Senate to be the adoption of amendment no. 1295 by Senator Short on page 4, line 17 to Engrossed Substitute House Bill No. 1619.  
 The motion by Senator Short did not carry and amendment no. 1295 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1296 by Senator Fortunato be adopted:

- On page 9, line 24, after "(c)" insert "Used products: (d)"
- Reletter the remaining subsection consecutively and correct any internal references accordingly.

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.  
 The President declared the question before the Senate to be the adoption of amendment no. 1296 by Senator Fortunato on page 9, line 24 to Engrossed Substitute House Bill No. 1619.

The motion by Senator Fortunato did not carry and amendment no. 1296 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1297 by Senator Fortunato be adopted:

- On page 10, line 35, after "~~2009~~)" insert "(i)"
- On page 11, line 2, after "2022" insert ";
- (ii) The normalized standby power (Pnorm), as defined in Table G-5, of portable electric spas manufactured on or after June 1, 2019, shall be no greater than the applicable values shown in Table G-5.

Table G-5  
Standards for Portable Electric Spas

<u>Appliance</u>	<u>Normalized Standby Power (Pnorm) Condition</u>	<u>Maximum Standby Power (Watts)</u>
<u>Standard spas and the standard spa portion of combination spas</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Exercise spas and the exercise spa portion of combination spas</u>	<u>Where: <math>\Delta T_{std} = 22</math> degrees Fahrenheit (12.2 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Exercise spas and the exercise spa portion of combination spas capable of maintaining a minimum water temperature of 100°F for the duration of the test</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Inflatable spas</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>7(V^{2/3})</math></u>

Where:  
Pnorm = normalized standby power = Pmeas ( $\Delta T_{std}/\Delta T_{meas}$ ),  
in Watts;  
Pmeas = E/t;  
E = total energy use during the test, in Watt-hours;  
t = length of test, in hours;  
 $\Delta T_{meas} = T_{water\ avg} - T_{air\ avg}$ ;  
 $T_{water\ avg}$  = average water temperature during test;  
 $T_{air\ avg}$  = average air temperature during test;

V = the fill volume, in gallons"  
 On page 11, line 6, after "(b)" insert "(i)"  
 On page 11, line 12, after "2022" insert ";

(ii) The normalized standby power (Pnorm), as defined in Table G-5, of portable electric spas manufactured on or after June 1, 2019, shall be no greater than the applicable values shown in Table G-5.

Table G-5  
Standards for Portable Electric Spas

<u>Appliance</u>	<u>Normalized Standby Power (Pnorm) Condition</u>	<u>Maximum Standby Power (Watts)</u>
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<u>Standard spas and the standard spa portion of combination spas</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Exercise spas and the exercise spa portion of combination spas</u>	<u>Where: <math>\Delta T_{std} = 22</math> degrees Fahrenheit (12.2 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Exercise spas and the exercise spa portion of combination spas capable of maintaining a minimum water temperature of 100°F for the duration of the test</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>3.75V^{2/3}+40</math></u>
<u>Inflatable spas</u>	<u>Where: <math>\Delta T_{std} = 37</math> degrees Fahrenheit (21 degrees Celsius)</u>	<u><math>7(V^{2/3})</math></u>

Where:  
 $P_{norm}$  = normalized standby power =  $P_{meas} (\Delta T_{std}/\Delta T_{meas})$ ,  
in Watts;  
 $P_{meas} = E/t$ ;  
 $E$  = total energy use during the test, in Watt-hours;  
 $t$  = length of test, in hours;  
 $\Delta T_{meas} = T_{water\ avg} - T_{air\ avg}$ ;  
 $T_{water\ avg}$  = average water temperature during test;  
 $T_{air\ avg}$  = average air temperature during test;  
 $V$  = the fill volume, in gallons"

Senator Fortunato spoke in favor of adoption of the amendment.  
 Senator Carlyle spoke against adoption of the amendment.  
 The President declared the question before the Senate to be the adoption of amendment no. 1297 by Senator Fortunato on page 10, line 35 to Engrossed Substitute House Bill No. 1619.  
 The motion by Senator Fortunato did not carry and amendment no. 1297 was not adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute House Bill No. 1619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
 Senator Carlyle spoke in favor of passage of the bill.  
 Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1619.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1619 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.  
 Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Wellman and Wilson, C.  
 Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1280, by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

Concerning greenhouse gas emissions reductions in the design of public facilities.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following amendment no. 1299 by Senator Fortunato be adopted:

On page 2, line 26, after "1975." insert "The policy of the state to pursue energy conservation and greenhouse gas emissions reduction practices in the design of major publicly owned or leased facilities must be balanced with a consideration of stress on the electricity system and the pursuit of low-cost and least-risk design that ensures that Washington taxpayers derive the most longevity and utility from public facilities for the taxes they pay."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.  
 The President declared the question before the Senate to be the adoption of amendment no. 1299 by Senator Fortunato on page 2, line 26 to House Bill No. 1280.

The motion by Senator Fortunato did not carry and amendment no. 1299 was not adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.  
 Senators Short, Wagoner and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1280.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1623, by House Committee on Environment & Energy (originally sponsored by Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley)

Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.

The measure was read the second time.

## MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1623.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1623 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Civil Rights & Judiciary (originally

sponsored by Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba)

Concerning electric vehicle charging stations in common interest communities.

The measure was read the second time.

## MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 1793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1793.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1793 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630, by House Committee on Civil Rights & Judiciary (originally sponsored by Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame)

Establishing restrictions on the possession of weapons in certain locations.

The measure was read the second time.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, amendment no. 1304 by Senator Holy on page 2, line 13 to Engrossed Substitute House Bill No. 1630 was withdrawn.

## MOTION

Senator Holy moved that the following amendment no. 1319 by Senator Holy be adopted:

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

On page 2, line 13, after "guilty of a" strike "gross" and insert "~~((gross))~~"

On page 2, line 13, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

On page 5, line 33, after "guilty of a" strike "gross" and insert "~~((gross))~~"

On page 5, line 34, after "misdemeanor." insert "Second and subsequent violations of this section are a gross misdemeanor."

On page 6, line 27, after "guilty of a" strike "gross"

On page 6, line 27, after "misdemeanor." insert "Second and subsequent violations of this section are a gross misdemeanor."

On page 8, line 31, after "guilty of a" strike "gross"

On page 8, line 31, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

Senators Holy and Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1319 by Senator Holy on page 2, line 13 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Holy carried and amendment no. 1319 was adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 1310 by Senator Padden be adopted:

On page 2, beginning on line 13, after "misdemeanor." strike all material through "license." on line 20 and insert "~~((If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.))~~)"

Beginning on page 6, line 27, after "misdemeanor." strike all material through "license." on page 7, line 2

On page 8, beginning on line 31, after "misdemeanor." strike all material through "license." on line 38

Senators Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1310 by Senator Padden on page 2, line 13 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Padden did not carry and amendment no. 1310 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 1303 by Senator Fortunato be adopted:

On page 3, beginning on line 39, after "while" strike all material through "student" on line 40 and insert "~~((picking))~~:"

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors"

On page 4, line 19, after "(c)," insert "(e)(ii)."

On page 10, beginning on line 17, after "while" strike all material through "student" on line 18 and insert ":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors"

On page 10, line 37, after "(c)," insert "(e)(ii),"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1303 by Senator Fortunato on page 3, line 39 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Fortunato did not carry and amendment no. 1303 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 1318 by Senator Van De Wege be adopted:

On page 3, beginning on line 39, after "while" strike all material through "student" on line 40 and insert "~~((picking))~~:"

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

On page 10, beginning on line 17, after "while" strike all material through "student" on line 18 and insert ":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

Senators Van De Wege and Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1318 by Senator Van De Wege on page 3, line 39 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Van De Wege carried and amendment no. 1318 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 1305 by Senator Wagoner be adopted:

Beginning on page 4, line 29, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "9.41.280" strike "and 9.41.305"

Senators Wagoner, Fortunato and Wilson, L. spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1305 by Senator Wagoner on page 4, line 29 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Wagoner did not carry and amendment no. 1305 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1314 by Senator Short be adopted:

On page 5, line 32, after "duty." insert "Fully uniformed color guard and honor guard affiliated with a veterans' service organization recognized by the Washington department of veterans affairs, or affiliated with the national sons of the American revolution or sons of union veterans of the civil war, are exempt from this section when carrying a firearm or other weapon while actively participating in, walking to, and leaving permitted events. The department of enterprise services may make such reasonable rules and orders necessary for the proper administration and enforcement of this subsection."

Senator Short spoke in favor of adoption of the amendment.  
Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1314 by Senator Short on page 5, line 32 to Engrossed Substitute House Bill No. 1630.

The motion by Senator Short did not carry and amendment no. 1314 was not adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 1630 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Kuderer spoke in favor of passage of the bill.

Senators Padden, Fortunato, Dozier, Wagoner and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1630 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1630 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

When the final passage vote come on ESHB 1630 this evening, I was busy with other legislative business and inadvertently missed the vote. I would have voted Nay.

SENATOR ANN RIVERS, 18th Legislative District

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, by House Committee on Civil Rights & Judiciary (originally sponsored by Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba)

Concerning ghost guns.

The measure was read the second time.

#### MOTION

Senator Fortunato moved that the following amendment no. 1316 by Senator Fortunato be adopted:

On page 1, line 1 of the title, after "limiting" strike "ghost guns, including"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1316 by Senator Fortunato on page 1, line 1 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Fortunato did not carry and amendment no. 1316 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1306 by Senator Fortunato be adopted:

On page 2, beginning on line 5, after "act" strike all material through "act" on line 6

Beginning on page 8, line 19, after "((34))" strike all of subsection (39)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 10, beginning on line 26, strike all of subsection (1)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 10, line 29, after "firearm" insert "that was originally lawfully purchased if its serial numbers were subsequently removed or altered"

On page 10, line 34, after "firearm" insert "that was originally lawfully purchased if its serial numbers were subsequently removed or altered"

Beginning on page 11, line 22, strike all of section 5

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 26, after "firearm" strike "or unfinished frame or receiver"

On page 12, line 27, after "firearm" strike "or unfinished frame or receiver"

On page 12, line 38, after "firearm" strike "or unfinished frame or receiver"

On page 13, line 2, after "firearm" strike "or unfinished frame or receiver"

On page 1, line 2 of the title, after "firearms" strike "and untraceable unfinished frames or receivers"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

FIFTY FIRST DAY, MARCH 1, 2022

The President declared the question before the Senate to be the adoption of amendment no. 1306 by Senator Fortunato on page 2, line 5 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Fortunato did not carry and amendment no. 1306 was not adopted by voice vote.

## MOTION

Senator Honeyford moved that the following amendment no. 1313 by Senator Honeyford be adopted:

On page 6, line 27, after "Semiautomatic" strike "assault" and insert "~~((assault))~~"

On page 6, line 31, after "Semiautomatic" strike "assault" and insert "~~((assault))~~"

Senators Honeyford, Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1313 by Senator Honeyford on page 6, line 27 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Honeyford did not carry and amendment no. 1313 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1302 by Senator Wagoner be adopted:

On page 9, line 8, after "July 1," strike "2019" and insert "~~((2019))~~ 2022"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1302 by Senator Wagoner on page 9, line 8 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Wagoner did not carry and amendment no. 1302 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1307 by Senator Fortunato be adopted:

On page 10, line 26, after "(1)" strike "No" and insert "(a) No prohibited"

On page 10, after line 27, insert the following:

"(b) For purposes of this subsection (1), "prohibited person" means an individual whose constitutional rights are impaired by this act."

Senators Fortunato and Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1307 by Senator Fortunato on page 10, line 26 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Fortunato did not carry and amendment no. 1307 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1308 by Senator Fortunato be adopted:

On page 11, after line 21, insert the following:

"(6) This section does not apply to any person in possession of an untraceable firearm who has been issued a license under RCW 9.41.070."

On page 11, beginning on line 29, after "receiver" strike all material through "dealer" on line 31 and insert "is imprinted with a serial number within five business days of receipt by the purchaser"

On page 11, beginning on line 36, after "receiver" strike all material through "dealer" on line 38 and insert "is imprinted with a serial number within five business days of receipt by the purchaser"

On page 12, after line 21, insert the following:

"(5) This section does not apply to any person in possession of an untraceable frame or receiver who has been issued a license under RCW 9.41.070."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1308 by Senator Fortunato on page 11, after line 21 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Fortunato did not carry and amendment no. 1308 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1301 by Senator Wagoner be adopted:

On page 11, beginning on line 29, after "receiver" strike all material through "dealer" on line 31 and insert "is imprinted with a serial number within five business days of receipt by the purchaser"

On page 11, beginning on line 36, after "receiver" strike all material through "dealer" on line 38 and insert "is imprinted with a serial number within five business days of receipt by the purchaser"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1301 by Senator Wagoner on page 11, line 29 to Engrossed Substitute House Bill No. 1705.

The motion by Senator Wagoner did not carry and amendment no. 1301 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1300 by Senator Wagoner be adopted:

On page 15, after line 24, insert the following:

"**Sec. 8.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate

offender score and the seriousness level of the completed crime, and multiplying the range by (~~seventy-five~~) 75 percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least (~~twenty~~) 20 years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of (~~ten~~) 10 years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements

based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least (~~twenty~~) 20 years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of (~~ten~~) 10 years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

FIFTY FIRST DAY, MARCH 1, 2022

2022 REGULAR SESSION

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional (~~(twenty-four)~~) 24 months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least (~~(twenty)~~) 20 years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of (~~(ten)~~) 10 years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age (~~(eighteen)~~) 18 or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional (~~(twelve)~~) 12 months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional (~~(twelve)~~) 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional (~~twelve~~) 12 months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of (~~sixteen~~) 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional (~~twelve~~) 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15) An additional 12 months shall be added to the standard sentence range for a violent offense that involved the use of an untraceable firearm as defined in RCW 9.41.010.

(16) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age (~~eighteen~~) 18, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution of a violent offense, the prosecution may file a special allegation that the offense involved the use of an untraceable firearm as defined in RCW 9.41.010.

(2) The state has the burden of proving a special allegation made under this section beyond a reasonable doubt. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict whether the offense involved the use of an untraceable firearm. If no jury is had, the court shall make a finding of fact whether the offense involved the use of an untraceable firearm."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 7 of the title, after "43.43.580;" insert "reenacting and amending RCW 9.94A.533;"

On page 1, line 8 of the title, after "9.41 RCW;" insert "adding a new section to chapter 9.94A RCW;"

Senators Wagoner, Rivers, Short and Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 15, after line 24 to Engrossed Substitute House Bill No. 1705.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Randall, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 1705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1705.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1705 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Randall, Rivers, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1874, by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1874.

The Secretary called the roll on the final passage of House Bill No. 1874 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Health Care & Wellness (originally sponsored by Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet)

Concerning overdose and suicide fatality reviews.

The measure was read the second time.

## MOTION

Senator Frockt moved that the following committee striking amendment by the Behavioral Health Subcommittee to the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.05 RCW to read as follows:

(1) The legislature finds that the mortality rate in Washington state due to overdose, withdrawal related to substance abuse such as opiates, benzodiazepines, and alcohol, and suicide is unacceptably high and that such mortality may be preventable. The legislature further finds that, through the performance of overdose, withdrawal, and suicide fatality reviews, preventable causes of mortality can be identified and addressed, thereby reducing the number of overdose, withdrawal, and suicide fatalities in Washington state.

(2)(a) A local health department may establish multidisciplinary overdose, withdrawal, and suicide fatality review teams to review overdose, withdrawal, and suicide deaths and to develop strategies for the prevention of overdose, withdrawal, and suicide fatalities.

(b) The department shall assist local health departments to collect the reports of any overdose, withdrawal, and suicide fatality reviews conducted by local health departments and assist with entering the reports into a database to the extent that the data is not protected under subsection (3) of this section. Notwithstanding subsection (3) of this section, the department shall respond to any requests for data from the database to the extent permitted for health care information under chapters 70.02 and 70.225 RCW. In addition, the department shall provide technical assistance to local health departments and overdose, withdrawal, and suicide fatality review teams conducting overdose, withdrawal, and suicide fatality reviews and encourage

communication among overdose, withdrawal, and suicide fatality review teams.

(c) All overdose, withdrawal, or suicide fatality reviews undertaken under this section shall be shared with the department, subject to the same confidentiality restrictions described in this section.

(3)(a) All health care information collected as part of an overdose, withdrawal, and suicide fatality review is confidential, subject to the restrictions on disclosure provided for in chapter 70.02 RCW. When documents are collected as part of an overdose, withdrawal, and suicide fatality review, the records may be used solely by local health departments for the purposes of the review.

(b) Information, documents, proceedings, records, and opinions created, collected, or maintained by the overdose, withdrawal, and suicide fatality review team or the local health department in support of the review team are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(c) Any person who was in attendance at a meeting of the review team or who participated in the creation, collection, or maintenance of the review team's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the review team's information, documents, records, or opinions. This subsection does not prevent a member of the review team from testifying in a civil or criminal action concerning facts which form the basis for the overdose, withdrawal, and suicide fatality review team's proceedings of which the review team member had personal knowledge acquired independently of the overdose, withdrawal, and suicide fatality review team or which is public information.

(d) Any person who, in substantial good faith, participates as a member of the review team or provides information to further the purposes of the review team may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(e) All meetings, proceedings, and deliberations of the overdose, withdrawal, and suicide fatality review team must be confidential and may be conducted in executive session.

(4) This section does not prevent a local health department from publishing statistical compilations and reports related to the overdose, withdrawal, and suicide fatality review. Any portions of such compilations and reports that identify individual cases and sources of information must be redacted.

(5) To aid in an overdose, withdrawal, and suicide fatality review, the local health department has the authority to:

(a) Request and receive data for specific overdose, withdrawal, and suicide fatalities including, but not limited to, all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, schools, criminal justice, law enforcement, and social services records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, schools, criminal justice, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers.

(6) Upon request by the local health department, health care providers, health care facilities, clinics, schools, criminal justice,

law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers must provide all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, social services records, and other data requested for specific overdose, withdrawal, and suicide fatalities to perform an overdose, withdrawal, and suicide fatality review to the local health department.

(7) For the purposes of this section, "overdose, withdrawal, and suicide fatality review" means a confidential process to review minor or adult overdose, withdrawal, and suicide deaths as identified through a death certificate; by a medical examiner or coroner; or by a process defined by the local department of health. The process may include a systematic review of medical, clinical, and hospital records related to the overdose, withdrawal, and suicide; confidential interviews conducted with the protections established in subsection (3) of this section; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "overdose, withdrawal, and suicide fatality reviews; and adding a new section to chapter 70.05 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Behavioral Health Subcommittee to the Committee on Health & Long Term Care to Substitute House Bill No. 1074.

The motion by Senator Frockt carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1074 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1074 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1074 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson,

Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1074 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:50 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 2, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FIFTY SECOND DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, March 2, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Robinson.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Dalton Stephens, an intern in the Office of Senator Hunt, led the Senate in the Pledge of Allegiance.

The prayer was offered by Ms. Anu Arora, Executive and Leadership Coach, Infinite Potential Leadership, Redmond.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 1, 2022

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5489,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,  
SUBSTITUTE SENATE BILL NO. 5496,  
SUBSTITUTE SENATE BILL NO. 5497,  
SENATE BILL NO. 5582,  
SENATE BILL NO. 5583,  
SENATE BILL NO. 5694,  
SUBSTITUTE SENATE BILL NO. 5701,  
SENATE BILL NO. 5747,  
SENATE BILL NO. 5763,  
SUBSTITUTE SENATE BILL NO. 5821,  
SUBSTITUTE SENATE BILL NO. 5860,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 1, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124,  
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5984 by Senators Fortunato, Padden, McCune and Wilson, J. AN ACT Relating to prohibiting the sale of spirits products that are marketed, labeled, classified, or typed as vodka if the spirits products were produced in or imported or sourced

from Russia or contain any ingredient, input, or material from Russia; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**MOTIONS**

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

**THIRD READING**

**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

Senator Randall moved that Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, be confirmed as a member of the Community Colleges of Spokane Board of Trustees.

Senators Randall, Holy, Billig and Hasegawa spoke in favor of passage of the motion.

**MOTIONS**

On motion of Senator Wagoner, Senators McCune and Sheldon were excused.

On motion of Senator Randall, Senators Robinson, Rolfes and Van De Wege were excused.

**APPOINTMENT OF ELIZABETH (BETH) J. THEW**

The President declared the question before the Senate to be the confirmation of Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, as a member of the Community Colleges of Spokane Board of Trustees.

The Secretary called the roll on the confirmation of Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, as a member of the Community Colleges of Spokane Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators McCune, Robinson, Rolfes and Van De Wege

Elizabeth (Beth) J. Thew, Senate Gubernatorial Appointment No. 9048, having received the constitutional majority was declared confirmed as a member of the Community Colleges of Spokane Board of Trustees.

## MOTION

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION  
8662

By Senators Pedersen, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, C. Wilson, J. Wilson, and L. Wilson

WHEREAS, The people of Washington State and the people of Ukraine share a commitment to democracy, human rights, and the rule of law; and

WHEREAS, Washington State is home to over 70,000 people with Ukrainian heritage and one of the largest populations of Ukrainian immigrants among the 50 states; and

WHEREAS, Many Ukrainians immigrated to Washington State fleeing Soviet persecution for their beliefs and seeking personal and religious freedoms in the United States; and

WHEREAS, Ukrainians and Ukrainian Americans in Washington State have enriched our communities through their leadership and contributions in agriculture, business, academia, government, and the arts; and

WHEREAS, Ukraine is a diverse nation, home to Ukrainians, Russians, Crimean Tatars, Jews, Poles, and many other ethnic groups; and

WHEREAS, Ukraine is the second largest country in Europe; and

WHEREAS, Between 2014 and 2022, more than 14,000 Ukrainian servicemembers and civilians have been killed in armed conflict; and

WHEREAS, On February 24, 2022, Russian President Vladimir Putin abandoned diplomacy and international pleas for peace and launched an unprovoked military invasion of Ukraine; and

WHEREAS, This attack on Ukraine has already killed hundreds of Ukrainian servicemembers and civilians and caused an urgent international humanitarian crisis; and

WHEREAS, President Putin has denied the existence of Ukraine and apparently seeks to overthrow the democratically elected government of Ukraine; and

WHEREAS, The people of Ukraine are now engaged in an armed conflict to defend their independence and democratic way of life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the democratic values shared by the people of Washington State and the people of Ukraine; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its deepest sympathies for all Ukrainian Americans, especially those with loved ones in harm's way; and

BE IT FURTHER RESOLVED, That the Washington State Senate condemn the unprovoked Russian invasion of Ukraine and reiterate its support for peace, diplomacy, and an immediate end to the invasion; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage the people of Washington State to support

Ukrainian Americans and the people of Ukraine in their urgent time of need.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation of Ukrainians and Ukrainian-Americans led by Honorary Consul Mr. Valeriy Goloborodko who were seated in the gallery.

Senators Pedersen, Fortunato, Dozier, Schoesler, Carlyle, Salomon, Braun, Liias, Wilson, L., Wilson, J., Sefzik, Warnick and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Pedersen carried and the resolution was adopted by voice vote.

## MOTION

On motion of Senator Pedersen, pursuant to Rule 20, the names of all members were added to Senate Resolution No. 8662.

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Randall moved that Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, be confirmed as a member of the Peninsula College Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

## APPOINTMENT OF MICHAEL S. MAXWELL

The President declared the question before the Senate to be the confirmation of Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, as a member of the Peninsula College Board of Trustees.

The Secretary called the roll on the confirmation of Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, as a member of the Peninsula College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Pedersen and Sefzik

Excused: Senators Robinson and Van De Wege

Michael S. Maxwell, Senate Gubernatorial Appointment No. 9018, having received the constitutional majority was declared confirmed as a member of the Peninsula College Board of Trustees.

## MOTION

FIFTY SECOND DAY, MARCH 2, 2022

On motion of Senator Nguyen, the Senate reverted to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

Concerning group insurance contract performance standards.

The measure was read the second time.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1052.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1052 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Health Care & Wellness (originally sponsored by Cody)

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The measure was read the second time.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1124.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1626, by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger)

Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices.

The measure was read the second time.

## MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1626.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Shewmake and Taylor)

Concerning the advisory committee on hunters and fishers with disabilities.

The measure was read the second time.

#### MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1649.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1655, by House Committee on Transportation (originally sponsored by Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor)

Encouraging the opening of safety rest areas to the public.

The measure was read the second time.

#### MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 2. Commercial motor vehicle parking shortages are a national safety concern. Washington state has exacerbated the problem in the fall of 2021 by the closure of many state-owned and operated safety rest areas. All vehicle drivers need safe places to stop when they are tired to prevent serious and fatal injuries. Washington's target zero plan reports

that drowsy driving was a factor in 44 deaths and 236 serious injuries from 2015-2017. One of the ways Washington's target zero plan addresses this issue is having available rest areas. The closure of state-owned safety rest areas is contrary to state policy to have zero deaths on the roadways.

In addition, commercial truck drivers are required to take federally mandated rest breaks that leads to the need for there to be parking available in many locations throughout the highway system. Safety rest areas are important for supply line integrity and the use by the traveling public. The legislature believes it is essential for this public service to be restored and maintained in the future as quickly as possible.

NEW SECTION. Sec. 3. A new section is added to chapter 47.38 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department is directed to reconfigure its maintenance operations to assure that its owned and operated safety rest areas are open for use except for seasonal closures or cleaning, maintenance, and repairs.

(2) The department may initiate a strategic planning process that addresses the maintenance, operation, and safety of its owned and operated safety rest areas. At a minimum, this plan shall evaluate operations, maintenance, safety, and commercial motor vehicle parking at safety rest areas. The department must engage members from the freight community and other stakeholders for recommendations and solutions. The department must also coordinate with the office of intergovernmental coordination on public right-of-way homeless encampments established in Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing). The plan must identify strategies that the department can employ to ensure commercial motor vehicle parking is available at state-owned and operated safety rest areas. The department shall prioritize the planning effort to conclude by the end of the 2021-2023 biennium.

(3) The department must report to the transportation committees of the legislature the changes that have been made to or are planned to be made to operation of the safety rest areas by January 15, 2023, including recommendations related to commercial vehicle parking."

On page 1, line 2 of the title, after "possible;" strike the remainder of the title and insert "adding a new section to chapter 47.38 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1655.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1655 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1655 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1655 as amended by the Senate and the bill passed

FIFTY SECOND DAY, MARCH 2, 2022

the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1655 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:28 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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 AFTERNOON SESSION
 

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The Senate was called to order at 1:33 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

 THIRD READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pedersen moved that Jack S. Eng, Senate Gubernatorial Appointment No. 9030, be confirmed as a member of the Board of Industrial Insurance Appeals.

Senator Conway spoke in favor of the motion.

## MOTION

On motion of Senator Randall, Senator Liias was excused.

## APPOINTMENT OF JACK S. ENG

The President declared the question before the Senate to be the confirmation of Jack S. Eng, Senate Gubernatorial Appointment No. 9030, as a member of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Jack S. Eng, Senate Gubernatorial Appointment No. 9030, as a member of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege,

Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Frockt and Saldaña

Excused: Senators Liias and Robinson

Jack S. Eng, Senate Gubernatorial Appointment No. 9030, having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals.

 THIRD READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Keiser moved that Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, be confirmed as a member of the Gambling Commission.

Senators Keiser and Holy spoke in favor of passage of the motion.

## APPOINTMENT OF ALICIA R. LEVY

The President declared the question before the Senate to be the confirmation of Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

Alicia R. Levy, Senate Gubernatorial Appointment No. 9032, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

February 26, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 with the following amendment(s): 5689-S.E AMH ENGR H2872.E

Strike everything after the enacting clause and insert the following:

**"2021-2023 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—OPERATING**

**Sec. 101.** 2021 c 333 s 101 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account—State Appropriation ~~((\$546,000))~~  
\$554,000

**Sec. 102.** 2021 c 333 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation ~~((\$1,441,000))~~  
\$1,034,000

Puget Sound Ferry Operations Account—State Appropriation  
 \$126,000

Multimodal Transportation Account—State Appropriation  
 \$250,000

TOTAL APPROPRIATION ~~((\$1,817,000))~~  
\$1,410,000

The appropriations in this section are subject to the following conditions and limitations:

\$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

**Sec. 103.** 2021 c 333 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation ~~((\$1,346,000))~~  
\$1,369,000

**Sec. 104.** 2021 c 333 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account—State Appropriation ~~((\$668,000))~~  
\$674,000

**Sec. 105.** 2021 c 333 s 107 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Motor Vehicle Account—State Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, ~~((2021))~~ 2022.

**Sec. 106.** 2021 c 333 s 109 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation ~~((\$5,777,000))~~  
\$6,268,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first \$150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of \$16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec. 107.** 2021 c 333 s 110 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation ~~((\$3,210,000))~~  
\$1,577,000

**Sec. 108.** 2021 c 333 s 111 (uncodified) is amended to read as follows:

**FOR THE SENATE**

Motor Vehicle Account—State Appropriation ~~((\$3,085,000))~~  
\$1,518,000

**Sec. 109.** 2021 c 333 s 113 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Puget Sound ~~((Ferry))~~ Capital Construction Account

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

<del>((Puget Sound Capital Construction Account))</del> —State Appropriation	\$300,000
Multimodal Transportation Account—State Appropriation	\$200,000
<b>TOTAL APPROPRIATION</b>	<b>\$500,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the Puget Sound (~~(ferry)~~) capital construction account (~~((Puget Sound capital construction account))~~)—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

**TRANSPORTATION AGENCIES—OPERATING**

**Sec. 201.** 2021 c 333 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation( <del>(\$4,625,000)</del> )	<u>\$4,634,000</u>
Highway Safety Account—Federal Appropriation ( <del>(\$27,202,000)</del> )	<u>\$27,270,000</u>
Highway Safety Account—Private/Local Appropriation	\$60,000
School Zone Safety Account—State Appropriation	\$850,000
<b>TOTAL APPROPRIATION</b>	<del>(\$32,737,000)</del>
	<u>\$32,814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the

demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, (~~(2022)~~) 2023.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a

court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

**Sec. 202.** 2021 c 333 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation	\$3,301,000
	(((\$1,134,000))
	<u>\$1,155,000</u>
Motor Vehicle Account—State Appropriation	(((\$4,760,000))
	<u>\$17,300,000</u>
County Arterial Preservation Account—State Appropriation	(((\$1,669,000))
	<u>\$1,693,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$7,563,000))</b>
	<b><u>\$20,148,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

(2) \$12,500,000 of the motor vehicle account—state appropriation is provided solely for preservation purposes.

**Sec. 203.** 2021 c 333 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation	(((\$4,510,000))
	<u>\$4,564,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$6,250,000</u>
<u>Climate Emissions Reduction Account—State Appropriation</u>	<u>\$3,000,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>\$13,814,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle account—state appropriation is provided solely for preservation purposes.

(2) The entire climate emissions reduction account—state appropriation is provided solely for newly selected complete streets grants.

**Sec. 204.** 2021 c 333 s 204 (uncodified) is amended to read as follows:

<b>FOR THE JOINT TRANSPORTATION COMMITTEE</b>	
Motor Vehicle Account—State Appropriation	(((\$2,679,000))

Multimodal Transportation Account—State Appropriation	<u>\$3,301,000</u>
	(((\$420,000))
	<u>\$1,620,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(((\$3,099,000))</b>
	<b><u>\$4,921,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) \$50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working

FIFTY SECOND DAY, MARCH 2, 2022

Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

- (a) Issue bonds for bridge construction;
- (b) Collect tolls; and
- (c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) \$220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter 258, Laws of 2021 (broadband along state highways). If chapter 258, Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) \$215,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) \$400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) \$200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) \$200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

- (i) Assess the magnitude of potential impact;
- (ii) Assess the potential difficulty level of implementation; and
- (iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

- (i) Specific cooperative private sector and government actions;
- (ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;
- (iii) Incentive-based government programs to spur private sector innovation and investment; and
- (iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(8) \$250,000 of the multimodal transportation account—state appropriation is for evaluating the benefits and costs of the following options for the Pullman, Albion, and Colfax corridor on the Palouse River and Coulee City shortline rail system owned

by the department: Rail banking of inactive state-owned rail corridors for use as trails; the department retaining ownership and maintenance responsibility for the corridor; and disposing of the right-of-way and returning the land to private ownership. The joint transportation committee must develop a report and submit it to the governor and transportation committees of the legislature by June 30, 2023. The report must include:

(a) All costs associated with the department's retaining ownership and maintenance responsibility of this corridor, including but not limited to, the costs of upkeep, fencing, decking, and railing on bridges, and annual inspections;

(b) An inventory of portions of the state-owned Palouse River and Coulee City railroad that may be eligible for rail banking, including the current status of those portions;

(c) The current costs and liabilities of the portions inventoried in (a) of this subsection if they are not railbanked;

(d) The costs and benefits of removing rails identified in (a) of this subsection for use in other parts of state-owned railway;

(e) The estimated department costs and liabilities associated with rail banking;

(f) A preliminary cost estimate for trail development;

(g) Identification of interested trail sponsors, including the known underlying ownership interests;

(h) Identification of access rights of landowners to cross the right-of-way; and

(i) The surface transportation board process for abandonment and rail banking.

(9) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an independent review of an ultra high-speed ground transportation corridor between Portland, Oregon and Vancouver, British Columbia. The review should include an assessment of the assumptions included in the studies overseen by the Washington state department of transportation: A 2017 to 2018 feasibility study; a 2019 business case analysis; and a 2020 report with recommendations for a governance framework, strategic engagement plan, and financial strategy. The review should also provide additional analysis of the distribution of projected benefits and costs for communities of color, low-income households, and other disadvantaged communities. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(10) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study to determine how many nondrivers are in Washington state and the demographics of this population. The joint transportation committee is directed to conduct a survey, conduct research, develop a dataset, and conduct analysis on the nondriving population of Washington state. The analysis must include, but is not limited to: (a) Reasons for not driving; (b) demographics of who is not driving to include age, disability status, rural or urban residence, and other available demographic information; and (c) availability of transportation options for nondrivers and the impact those options have on their access to services, economic opportunity, recreation, education, and other aspects of community life. The joint transportation committee shall provide a report to the transportation committees of the legislature by February 1, 2023.

(11)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries

will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;

(ii) San Juan county council;

(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;

(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(12) \$150,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to examine options and provide recommendations for a state program to assist with the establishment of powered micromobility device lending libraries. The purpose of the powered micromobility device lending libraries is to provide low-cost or no-cost, reliable, and healthier modes of transportation to vulnerable communities. It is anticipated that the powered micromobility device lending libraries would be managed by community nonprofit organizations, local governments, higher education institutions, school districts, or federally recognized tribal governments. The options that should be examined include, but are not limited to: A state-funded grant program for the purchase of powered micromobility devices to be used in powered micromobility device lending libraries, direct technical assistance for establishing community-based powered micromobility device lending libraries, and direct-to-consumer incentives to applicants to purchase powered micromobility. Recommendations must specify how to prioritize program benefits for vulnerable populations and overburdened communities, including tribes, seniors, low-income populations, and communities with high environmental burdens. Powered micromobility devices to be examined by this study are devices that do not exceed product speed of 30 miles per hour or product weight of 100 pounds and include electric bicycles, electric cargo bikes, electric standing scooters, and other mobility devices under 50 pounds in weight that do not use fossil fuels. The joint transportation committee

FIFTY SECOND DAY, MARCH 2, 2022

shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(13)(a) Within existing resources the joint transportation committee must convene a work group to advise the committee on the distribution of transportation funds from the infrastructure investment and jobs act between state and local government in future biennia. In addition to the executive committee of the joint transportation committee the work group, to the extent practicable, shall include governor's staff from the office of financial management as well as one representative of each of the following:

- (i) The Washington state association of counties;
- (ii) Metropolitan planning organizations;
- (iii) Regional transportation planning organizations;
- (iv) The association of Washington cities;
- (v) Tribal transportation planning organizations;
- (vi) The Washington state department of transportation;
- (vii) The Washington public ports association; and
- (viii) The Washington state transit association.

(b) The joint transportation committee will consider the advice of the work group and, with recognition of the state's history of collaboration and open discussion, determine the allocation of the infrastructure investment and jobs act funding by November 15, 2022.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1815, (detering catalytic converter theft). If Engrossed Second Substitute House Bill No. 1815 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

**Sec. 205.** 2021 c 333 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation	(( <del>\$2,438,000</del> ))
	<u>\$4,200,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$127,000
State Route Number 520 Corridor Account—State Appropriation	\$276,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$180,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$172,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$3,193,000</del>))</b>
	<b><u>\$4,955,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

~~((3))~~ (2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct

replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission will coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by January 5, 2024.

**Sec. 206.** 2021 c 333 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation	(( <del>\$831,000</del> ))
	<u>\$840,000</u>

**Sec. 207.** 2021 c 333 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation	(( <del>\$517,391,000</del> ))
	<u>\$521,896,000</u>
State Patrol Highway Account—Federal Appropriation	(( <del>\$15,838,000</del> ))
	<u>\$16,112,000</u>
State Patrol Highway Account—Private/Local Appropriation	(( <del>\$4,267,000</del> ))
	<u>\$4,314,000</u>
Highway Safety Account—State Appropriation	(( <del>\$1,214,000</del> ))
	<u>\$1,282,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	(( <del>\$5,053,000</del> ))
	<u>\$2,243,000</u>
Multimodal Transportation Account—State Appropriation	(( <del>\$288,000</del> ))
	<u>\$293,000</u>
State Route Number 520 Corridor Account—State Appropriation	\$433,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$77,000
I-405 and SR 167 Express Toll Lanes Account—State Appropriation	\$1,348,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$545,909,000</del>))</b>
	<b><u>\$547,998,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The

Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~(of this act)~~), chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (a) A summary of recruitment and retention strategies;
- (b) The number of transportation funded staff vacancies by major category;
- (c) The number of applicants for each of the positions by these categories;
- (d) The composition of workforce;
- (e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and
- (f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 (~~(of this act)~~), chapter 333, Laws of 2021.

(6) (~~(\$7,962,000)~~) \$6,422,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state

appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations). If chapter 329, Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics). If chapter 320, Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers). If chapter 324, Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and

FIFTY SECOND DAY, MARCH 2, 2022

adjusted in the ((2022)) 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$554,000 of the state patrol highway account—state is provided solely for a feasibility study of an integrated solution for data collection and reporting of operational performance data that will no longer be collected with the implementation of the one Washington time leave and attendance system. The study must include a review of best practices for collecting the operational performance data and coordinating with other law enforcement agencies on the collection of data.

(19) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2037 (peace officers/use of force). If Engrossed Substitute House Bill No. 2037 (peace officers/use of force) is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the mini-academy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

**Sec. 208.** 2021 c 333 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	(((\$4,894,000))
	\$4,958,000
Limited Fish and Wildlife Account—State Appropriation	(((\$917,000))
	\$919,000
Highway Safety Account—State Appropriation	(((\$241,868,000))
	\$237,228,000
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation	(((\$73,327,000))
	\$72,387,000
Motor Vehicle Account—Federal Appropriation	(((\$150,000))
	\$400,000
Motor Vehicle Account—Private/Local Appropriation	\$6,600,000
Ignition Interlock Device Revolving Account—State Appropriation	(((\$6,071,000))
	\$6,095,000
Department of Licensing Services Account—State Appropriation	(((\$8,157,000))
	\$8,188,000
License Plate Technology Account—State Appropriation	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation	(((\$3,066,000))

\$3,070,000

Limousine Carriers Account—State Appropriation \$110,000  
 Electric Vehicle Account—State Appropriation (((\$405,000))  
 \$413,000

DOL Technology Improvement & Data Management Account—State Appropriation (((\$748,000))  
 \$806,000

Agency Financial Transaction Account—State Appropriation (((\$21,257,000))  
 \$19,757,000

((Driver Licensing Technology Support Account—State Appropriation \$1,373,000))

TOTAL APPROPRIATION (((\$374,521,000))  
 \$366,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge \$6,600,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 ((of this act)), chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents). If chapter 158, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) ~~(\$1,373,000)~~ \$929,000 of the ~~(driver licensing technology support)~~ highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions). If chapter 240, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) \$434,000 of the highway safety account—state appropriation is for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(10) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 ((Engrossed Substitute House Bill No. 1078)), Laws of 2021 (restoring voter eligibility after felony conviction).

~~((40))~~ (11) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

~~((44))~~ (12)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 ((of this act)), chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical

transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 ~~((of this act)),~~ chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(13) \$4,378,000 of the highway safety account—state appropriation and \$1,539,000 of the motor vehicle account—state appropriation are provided solely for contingency funding for the department to respond to the COVID-19 pandemic by paying for: The replacement of end-of-life information technology equipment, increased information technology software license costs, other information technology changes, printing and postage, supplies and equipment for COVID-19 safety, and accounting overtime to eliminate backlogs. By January 1, 2023,

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to contract for a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers.

(15) The department must consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1181 (veterans and military suicide). If Engrossed Second Substitute House Bill No. 1181 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1984 (vehicle registration certificate addresses). If Substitute House Bill No. 1984 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of House Bill No. 2074 (off-road vehicles fees). If House Bill No. 2074 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women.

**Sec. 209.** 2021 c 333 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TOLL OPERATIONS AND MAINTENANCE—  
PROGRAM B**

State Route Number 520 Corridor Account—State Appropriation	(( <del>\$53,689,000</del> )) <u>\$58,255,000</u>
State Route Number 520 Civil Penalties Account—State Appropriation	(( <del>\$4,122,000</del> )) <u>\$4,135,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	(( <del>\$29,809,000</del> )) <u>\$31,080,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(( <del>\$20,840,000</del> )) <u>\$21,693,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	(( <del>\$23,910,000</del> )) <u>\$24,562,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$132,370,000</del>))</b>

\$139,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ~~((~~\$708,000~~))~~ \$481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~((~~\$1,651,000~~))~~ \$1,132,000 of the state route number 520 corridor account—state appropriation, ~~((~~\$709,000~~))~~ \$509,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~((~~\$932,000~~))~~ \$636,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium, ~~(and are subject to the conditions, limitations, and review provided in section 701 of this act.~~

~~(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the~~

successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation).

((e)) (b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) ~~((Out of funding appropriated in this section.))~~ \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department ~~((shall))~~ to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result

in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ~~((1,516,000))~~ (a) \$3,038,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(b) \$580,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely for the increased costs of insurance for the Tacoma Narrows bridge.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

**Sec. 210.** 2021 c 333 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation  
~~((1,377,000))~~

\$1,401,000

Motor Vehicle Account—State Appropriation~~((97,026,000))~~

\$102,958,000

Puget Sound Ferry Operations Account—State Appropriation  
~~((263,000))~~

\$307,000

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

Multimodal Transportation Account—State Appropriation	(( <del>\$6,986,000</del> ))
	\$7,074,000
Transportation 2003 Account (Nickel Account)—State Appropriation	(( <del>\$1,393,000</del> ))
	\$1,413,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$107,045,000</del>))</b>
	<b>\$113,153,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 (~~of this act~~), chapter 333, Laws of 2021.

**Sec. 211.** 2021 c 333 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation	(( <del>\$35,574,000</del> ))
	\$37,588,000
State Route Number 520 Corridor Account—State Appropriation	\$34,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$35,608,000</del>))</b>
	<b>\$37,622,000</b>

**Sec. 212.** 2021 c 333 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation	(( <del>\$8,055,000</del> ))
	\$8,105,000
Aeronautics Account—Federal Appropriation	\$3,916,000
Aeronautics Account—Private/Local Appropriation	\$60,000
<u>Multimodal Transportation Account—State Appropriation</u>	<u>\$150,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,031,000</del>))</b>
	<b>\$12,231,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 (~~of this act~~), chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

**Sec. 213.** 2021 c 333 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation	(( <del>\$59,138,000</del> ))
	\$61,049,000
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$758,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$60,396,000</del>))</b>
	<b>\$62,307,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to

acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(5) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(6) ~~(\$300,000)~~ \$535,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds). ~~((If chapter 217, Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(7) ~~(\$500,000)~~ \$1,026,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force). ~~((If chapter 314, Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(8)(a) The department shall offer to sell or convey the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S, Seattle, WA 98144, in accordance with RCW 47.12.063 at less than its fair market value to the extent the department finds it is in the public interest to do so because the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave South and South Dearborn Street to increase the supply of affordable housing would not otherwise be adequately compensated.

(b) The amount remaining from the transfer required under RCW 70A.205.425 from the waste tire removal account to the motor vehicle fund that is not allocated to reimbursement of the motor vehicle fund under section 207 of this act reimburses the motor vehicle fund for any reduction to the motor vehicle fund reimbursement that results from the sale at less than fair market value of real property under this subsection (8).

**Sec. 214.** 2021 c 333 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation	<del>(\$675,000)</del>
	<u>\$685,000</u>
Electric Vehicle Account—State Appropriation	<del>(\$9,900,000)</del>
	<u>\$11,900,000</u>
Multimodal Transportation Account—State Appropriation	<del>(\$3,290,000)</del>
	<u>\$6,090,000</u>
Multimodal Transportation Account—Federal Appropriation	<u>\$14,100,000</u>
TOTAL APPROPRIATION	<del>(\$13,865,000)</del>
	<u>\$32,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) ~~(\$8,900,000)~~ \$10,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

(6) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(7)(a) \$14,100,000 of the multimodal transportation account—federal appropriation and \$2,800,000 of the multimodal transportation account—state appropriation are provided solely for the national electric vehicle program established in the infrastructure investment and jobs act. As directed in the infrastructure investment and jobs act, the department shall develop and submit a plan to the secretary of the United States department of transportation and in developing the plan, the department must consider providing publicly accessible electric vehicle supply equipment across the state highway network including eliminating electric vehicle charging deserts, providing charging infrastructure to rural areas as well as low-income communities, and providing redundancy in high travel corridors. The department shall also submit the plan submitted to the secretary of the United States department of transportation to the transportation committees of the legislature.

(b) In developing the plan the department must:

(i) Include opportunities to provide highway electric vehicle infrastructure for light, medium, and heavy-duty vehicles;

(ii) Identify opportunities to support local electric vehicle infrastructure when doing so meets the criteria of the national electric vehicle program; and

(iii) Support publicly available electric vehicle charging infrastructure on federally designated alternative fuel corridors as set forth in the national electric vehicle program plan.

(c) Funds provided in this subsection are also provided for the department to develop and update the required mapping and forecasting tool set forth in RCW 47.01.520 that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and use. Up to \$1,623,000 of the amounts provided in this subsection (7) may be used to develop and update the required mapping and forecasting tool. The department may use up to 10 percent of the funds appropriated to administer this program.

**Sec. 215.** 2021 c 333 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State	Appropriation
	<del>(\$496,925,000)</del>
	<u>\$518,064,000</u>
Motor Vehicle Account—Federal	\$7,000,000
State Route Number 520 Corridor	Account—State
Appropriation	<del>(\$4,082,000)</del>
	<u>\$4,517,000</u>
Tacoma Narrows Toll Bridge	Account—State
Appropriation	<del>(\$1,479,000)</del>
	<u>\$1,510,000</u>
Alaskan Way Viaduct Replacement Project	Account—State
Appropriation	<del>(\$8,157,000)</del>
	<u>\$8,325,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes	Account—State
Appropriation	<del>(\$2,545,000)</del>
	<u>\$2,569,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$520,188,000)</del>
	<u>\$541,985,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January

2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) ~~(\$3,000,000)~~ \$8,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned

rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing ~~((that is not on the rights-of-way))~~ or for debris clean up on highway rights-of-way. ~~((The department may))~~ A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(b) Beginning October 1, 2021, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social

service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

(12) During the 2021-2023 fiscal biennium, the department shall conduct a pilot program authorizing commercial motor vehicles, as defined in RCW 46.25.010, that are used in commerce solely to transport property to park in areas designated by the department as chain up and chain off areas along United States route number 2 and Interstate 90 between May 1st and November 1st of each calendar year of the biennium. Under the pilot program, parking is permitted for up to an hour beyond federally mandated rest periods when signage posted by the department authorizes the parking of these commercial motor vehicles. Beginning July 1, 2022, the department shall post and maintain signage authorizing the parking of these commercial motor vehicles in chain up and chain off areas that it determines: (a) Have sufficient space to accommodate commercial motor vehicles parking for an extended period of time; and (b) where other safety concerns have been addressed. The department shall notify the Washington state patrol and the transportation committees of the legislature when it posts signage authorizing commercial motor vehicle parking in a chain up or chain off area.

(13)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair.

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by November 15, 2022. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(14)(a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(c) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(d) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(e) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

**Sec. 216.** 2021 c 333 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation ~~(\$74,406,000)~~  
\$75,920,000

Motor Vehicle Account—Federal Appropriation \$2,050,000

Motor Vehicle Account—Private/Local Appropriation  
~~(\$250,000)~~  
\$295,000

State Route Number 520 Corridor Account—State  
Appropriation \$225,000

Tacoma Narrows Toll Bridge Account—State Appropriation  
\$40,000

Alaskan Way Viaduct Replacement Project Account—  
State Appropriation \$1,112,000

Interstate 405 and State Route Number 167 Express  
Toll Lanes Account—State Appropriation \$20,000

Agency Financial Transaction Account—State Appropriation  
\$100,000

TOTAL APPROPRIATION ~~(\$78,103,000)~~  
\$79,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under

department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 ~~(of this act)~~, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 ~~(of this act)~~, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3)(a) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023.

(b) The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues.

(c) In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis.

(d) The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

Sec. 217. 2021 c 333 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION MANAGEMENT AND SUPPORT—  
PROGRAM S**

Motor Vehicle Account—State Appropriation	<del>(\$37,361,000)</del> \$39,325,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	<del>(\$5,129,000)</del> \$6,629,000
State Route Number 520 Corridor Account—State Appropriation	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$150,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$77,000
<u>Puget Sound Ferry Operations Account—State Appropriation</u>	<u>\$266,000</u>
TOTAL APPROPRIATION	<del>(\$44,304,000)</del> \$48,034,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$4,000,000)~~

(1) \$5,500,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce (through: (1)). Of this amount:

(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; ~~((2))~~ and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be

directed toward the efforts outlined in (a)(ii) of this subsection ~~((2) of this section)~~.

(b) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary coast guard certification.

(c) The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,164,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

Sec. 218. 2021 c 333 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION PLANNING, DATA, AND  
RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation	<del>(\$27,057,000)</del> \$27,865,000
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local Appropriation	\$400,000
Multimodal Transportation Account—State Appropriation	<del>(\$919,000)</del> \$1,212,000
Multimodal Transportation Account—Federal Appropriation	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation	\$100,000
State Route Number 520 Corridor Account—State Appropriation	<del>(\$406,000)</del> \$451,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,879,000
TOTAL APPROPRIATION	<del>(\$69,435,000)</del> \$70,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

(3) ~~(\$250,000)~~ \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets ~~((for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management)).~~ Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) ~~(\$406,000)~~ \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A ~~((final))~~ draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by June 30, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

**Sec. 219.** 2021 c 333 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation	\$1,000
Transportation Partnership Account—State Appropriation	<del>(\$23,000)</del>
	<u>\$25,000</u>
Motor Vehicle Account—State Appropriation	<del>(\$99,515,000)</del>
	<u>\$100,011,000</u>
Puget Sound Ferry Operations Account—State Appropriation	<del>(\$220,000)</del>
	<u>\$244,000</u>
State Route Number 520 Corridor Account—State Appropriation	\$26,000
Connecting Washington Account—State Appropriation	<del>(\$184,000)</del>
	<u>\$203,000</u>
Multimodal Transportation Account—State Appropriation	<del>(\$4,795,000)</del>
	<u>\$4,810,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	\$19,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$14,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$15,000
TOTAL APPROPRIATION	<del>(\$104,812,000)</del>
	<u>\$105,368,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

**Sec. 220.** 2021 c 333 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation	<del>(\$104,478,000)</del>
	<u>\$115,488,000</u>
Rural Mobility Grant Program Account—State Appropriation	<del>(\$33,168,000)</del>
	<u>\$33,283,000</u>
Multimodal Transportation Account—State Appropriation	<del>(\$131,150,000)</del>
	<u>\$134,584,000</u>
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
Multimodal Transportation Account—Local Appropriation	\$100,000
<u>Carbon Emissions Reduction Account—State Appropriation</u>	<u>\$54,260,000</u>
TOTAL APPROPRIATION	<del>(\$273,254,000)</del>
	<u>\$342,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) ~~(\$33,168,000)~~ \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a ~~((vanpool))~~ public transit rideshare grant program for: (a) Public transit agencies to add ~~((vanpools))~~ or replace ~~((vans))~~ rideshare vehicles; and (b) incentives ~~((for employers))~~ and outreach to increase ((employee vanpool)) rideshare use. ~~((The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed.))~~ The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) ~~(\$26,800,000)~~ \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her

FIFTY SECOND DAY, MARCH 2, 2022

assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$28,263,000)~~) \$28,860,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$21,858,000)~~) \$23,349,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for

improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the department to study and develop a statewide standard for accessible frequent fixed route transit. As part of this effort, the department must:

(i) Develop definitions of frequent fixed route transit and accessible frequent fixed route transit.

(ii) Identify, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops and analyze these gaps for disparities in race, age, and disability.

(iii) While identifying service gaps, consider the unique contexts found throughout the state, including in rural areas.

(iv) Develop goals for accessible frequent fixed route transit for the state to achieve by 2030, and funding proposals to achieve these goals.

(v) Develop a transportation justice screening tool available to the public to:

(A) Identify the current baseline for accessible frequent transit; and

(B) Identify disparities in access by census tract, race, age, and disability.

(b) The department must conduct the study and develop the statewide standard in collaboration with a statewide disability rights organization and a statewide environmental justice organization.

(c)(i) The department must provide an initial report to the legislature by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within a short walk of frequent transit.

(ii) The department must provide the final report to the transportation committees of the legislature by June 30, 2023.

(iii) The department must be available to present both the initial and final reports to the joint transportation committee.

(16) \$4,680,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(17) \$14,120,000 of the climate emission reductions account—state appropriation is provided solely for newly selected special needs grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(18) \$29,750,000 of the climate emission reductions account—state appropriation is provided solely for transit support grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(19) \$4,710,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected green transportation grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(20) \$1,000,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(21) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

**Sec. 221.** 2021 c 333 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State Appropriation	(\$416,614,000)
	<u>\$426,335,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	((\$124,000,000))
	<u>\$158,865,000</u>
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
<b>TOTAL APPROPRIATION</b>	<b>((\$540,735,000))</b>
	<u>\$585,321,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(\$17,000,000)~~ \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and \$53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation ~~((is))~~ and \$3,500,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for

staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation ~~((is))~~ and \$697,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

~~((8)) (\$1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy Vashon Southworth route; and to resume late night service on other routes in the system.~~

~~((9))~~ Within amounts provided in this section, the department shall contract ~~((with uniformed officers))~~ for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

~~((10))~~ (9) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

~~((11))~~ (10) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

~~((12))~~ (11) \$735,000 of the Puget Sound ferry operations account—state appropriation ~~((is))~~ and \$410,000 of the Puget Sound ferry operations account—federal are provided solely for familiarization for new assignments of engine crew and terminal staff.

~~((13))~~ (12) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

(13) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(a) Continuously recruit and hire deck, engine, and terminal staff;

(b) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(c) Enhance employee retention by standardizing on-call worker schedules;

(d) Increase training and development opportunities for employees; and

(e) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(14) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power

generated on site, electricity usage, and actual electricity cost savings. In addition, for comparison purposes, the report must include electricity usage information for a similar time period for the previous Mukilteo multimodal terminal. The report is due to the transportation committees of the legislature by June 30, 2023.

(15) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(16)(a) For negotiation of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity and the attorney general's office.

(b) When negotiating the 2023-2025 collective bargaining agreements, the collective bargaining representatives for the state and ferry employee organizations shall consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

**Sec. 222.** 2021 c 333 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State Appropriation	(( <del>\$80,704,000</del> ))
	\$68,326,000
Multimodal Transportation Account—Private/Local Appropriation	\$46,000
Multimodal Transportation Account—Federal Appropriation	\$500,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$81,250,000</del>))</b>
	<b>\$68,872,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for

the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3)(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon and British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(i) Developing an organizational framework that facilitates input in decision making from all parties;

(ii) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments, including indigenous communities;

(iii) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(iv) Beginning work on scenario analysis addressing advanced transportation technologies, land use, and growth assumptions; and an agreed to and defined corridor vision statement; and

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development.

(b) By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature an update on the work conducted by the policy committee and progress on a recommendation for a coordinating entity. The report must also include current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

**Sec. 223.** 2021 c 333 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation	(( <del>\$11,954,000</del> ))
	\$12,964,000
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	\$900,000

<u>Multimodal Transportation Account—State Appropriation</u>	<u>\$250,000</u>
<u>Cooper Jones Active Transportation Safety Account—State Appropriation</u>	<u>\$400,000</u>
TOTAL APPROPRIATION	(((\$15,421,000))
	<u>\$17,081,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

~~(3) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:~~

~~(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and~~

~~(ii) Cost sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.~~

~~(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.)~~ \$600,000 of the motor vehicle account—state is provided solely for the city of Seattle's office of planning and community development in support of an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The project must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood, to include, but not be limited to traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The project must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, state transportation commission, and the transportation committees of the legislature by January 1, 2025.

NEW SECTION. Sec. 224. A new section is added to 2021 c 333 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION EQUIPMENT FUND—PROGRAM  
E—OPERATING**

Motor Vehicle Account—State Appropriation \$12,396,000

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 301.** 2021 c 333 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC  
INVESTMENT BOARD**

Freight Mobility Investment Account—State Appropriation  
(((\$16,577,000))  
\$17,769,000

Freight Mobility Multimodal Account—State Appropriation  
(((\$15,195,000))  
\$14,004,000

TOTAL APPROPRIATION (((\$31,772,000))  
\$31,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on the LEAP Transportation Document 2021-2 ALL PROJECT list;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

**Sec. 302.** 2021 c 333 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
 ((~~\$4,196,000~~))  
\$4,803,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) \$3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

- (a) \$250,000 for emergency repairs;
- (b) \$350,000 for fuel tank decommissioning;
- (c) \$750,000 for generator and electrical replacement;
- (d) \$195,000 for the exterior envelope of the Yakima office;
- (e) \$466,000 for equipment shelters;
- (f) \$650,000 for the weatherization projects;
- (g) \$200,000 for roof replacements reappropriation; and
- (h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems costs.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

**Sec. 303.** 2021 c 333 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation  
 \$55,028,000  
 Motor Vehicle Account—State Appropriation \$1,456,000  
 County Arterial Preservation Account—State Appropriation  
 ((~~\$37,379,000~~))  
\$44,653,000  
 TOTAL APPROPRIATION ((~~\$93,863,000~~))  
\$101,137,000

**Sec. 304.** 2021 c 333 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation((~~\$10,852,000~~))  
\$14,623,000  
 Connecting Washington Account—State Appropriation  
 ((~~\$3,289,000~~))  
\$3,667,000  
 TOTAL APPROPRIATION ((~~\$14,141,000~~))  
\$18,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

**Sec. 305.** 2021 c 333 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State Appropriation  
 ((~~\$149,000~~))  
\$482,000  
 Transportation Partnership Account—State Appropriation  
 ((~~\$119,053,000~~))  
\$232,566,000  
 Motor Vehicle Account—State Appropriation((~~\$89,717,000~~))  
\$100,837,000  
 Motor Vehicle Account—Federal Appropriation  
 ((~~\$388,903,000~~))  
\$396,385,000  
 Coronavirus State Fiscal Recovery Fund—Federal Appropriation \$400,000,000  
 Motor Vehicle Account—Private/Local Appropriation  
 ((~~\$48,628,000~~))  
\$56,192,000  
 Connecting Washington Account—State Appropriation  
 ((~~\$2,881,033,000~~))  
\$2,156,569,000  
 Special Category C Account—State Appropriation  
 ((~~\$105,363,000~~))  
\$86,198,000  
 Multimodal Transportation Account—State Appropriation  
 ((~~\$10,784,000~~))  
\$10,792,000

<del>((State Route Number 520 Corridor Account State Appropriation</del>	<del>\$15,940,000))</del>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	<del>(\$30,308,000)</del>
	\$50,856,000
<u>Puget Sound Gateway Facility Account—State Appropriation</u>	<u>\$8,400,000</u>
TOTAL APPROPRIATION	<del>(\$4,089,878,000)</del>
	\$3,499,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2021-4)) 2022-1 as developed ((April 23, 2021)) February 20, 2022, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((of this act))~~, chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0B14001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) The connecting Washington account—state appropriation includes up to ~~(\$2,230,636,000)~~ \$1,094,139,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ~~(\$82,475,000)~~ \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ~~(\$28,411,000)~~ \$124,636,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) \$60,450,000 of the transportation partnership account—state appropriation, \$2,258,000 of the motor vehicle account—private/local appropriation, and \$984,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) \$193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R). It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project to accelerate delivery by up to two years.

(9)(a) \$14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) \$492,349,000 of the connecting Washington account—state appropriation and \$355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) \$382,880,000 of the connecting Washington account—state appropriation, \$4,800,000 of the multimodal transportation account—state appropriation, \$17,869,000 of the motor vehicle account—private/local appropriation, and \$82,165,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full ~~((single point))~~ urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. ~~((If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.))~~

(d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) \$26,928,000 of the motor vehicle account—state appropriation and \$1,671,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

- (i) Conduct all work necessary to prepare and publish a draft SEIS;
- (ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;
- (iii) Identify a locally preferred alternative; and
- (iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(d) The Washington members of the joint Oregon-Washington legislative action committee must report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the Interstate Bridge Replacement project.

(13)(a) \$400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~(((\$529,577,000))~~ \$25,327,000 of the connecting Washington account—state appropriation, ~~(((\$194,959,000))~~ \$178,186,000 of the motor vehicle account—federal appropriation, ~~(and \$1,849,000))~~ \$9,016,000 of the transportation partnership account—state appropriation, \$6,853,000 of the motor vehicle account—state appropriation, and \$5,618,000 of the motor vehicle account—private/local appropriation are provided solely for the Fish Passage Barrier Removal project (OB14001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. ~~((Of the amounts provided in this subsection, \$400,000,000 of the connecting Washington account—state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (OB14001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.))~~

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The

department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 ~~((of this act)), chapter 333, Laws of 2021.~~

(14) \$14,669,000 of the connecting Washington account—state appropriation and \$3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) \$15,189,000 of the motor vehicle account—federal appropriation, \$259,000 of the motor vehicle account—state appropriation, and \$15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) \$18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) ~~(((\$1,000,000))~~ \$2,500,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

(18) \$1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) \$12,139,000 of the motor vehicle account—state appropriation and \$9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) \$1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) \$915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) \$6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) \$500,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce County.

(24) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (25) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (26) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

**Sec. 306.** 2021 c 333 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State	Appropriation	\$1,520,000
Transportation 2003 Account (Nickel Account)—State	Appropriation	<del>((49,105,000))</del>
		<u>\$53,911,000</u>
Transportation Partnership Account—State	Appropriation	<del>((15,183,000))</del>
		<u>\$21,441,000</u>
Motor Vehicle Account—State	Appropriation	<del>((85,444,000))</del>
		<u>\$111,174,000</u>
Motor Vehicle Account—Federal	Appropriation	<del>((489,602,000))</del>
		<u>\$545,560,000</u>
Motor Vehicle Account—Private/Local	Appropriation	<del>((10,792,000))</del>

		<u>\$13,735,000</u>
Connecting Washington Account—State	Appropriation	<del>((159,043,000))</del>
		<u>\$222,548,000</u>
State Route Number 520 Corridor	Account—State	Appropriation
		<del>((1,891,000))</del>
		<u>\$2,143,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation	<del>((9,730,000))</del>
		<u>\$5,676,000</u>
Alaskan Way Viaduct Replacement Project Account—State	Appropriation	<del>((314,000))</del>
		<u>\$391,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes	Account—State	Appropriation
		<del>((26,039,000))</del>
		<u>\$12,830,000</u>
TOTAL APPROPRIATION		<del>((848,663,000))</del>
		<u>\$990,929,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2021-4))~~ 2022-1 as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((of this act)), chapter 333, Laws of 2021.~~

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) \$5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act)), chapter 333, Laws of 2021.~~ The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency

needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(9) \$1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

**Sec. 307.** 2021 c 333 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation	(( <del>\$8,273,000</del> ))
	<u>\$9,618,000</u>
Motor Vehicle Account—Federal Appropriation	(( <del>\$5,289,000</del> ))
	<u>\$11,215,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$900,000
TOTAL APPROPRIATION	(( <del>\$14,962,000</del> ))
	<u>\$22,233,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

**Sec. 308.** 2021 c 333 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
WASHINGTON STATE FERRIES CONSTRUCTION—  
PROGRAM W**

Puget Sound Capital Construction Account—State Appropriation	(( <del>\$128,759,000</del> ))
	<u>\$167,033,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	(( <del>\$139,188,000</del> ))
	<u>\$174,571,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	(( <del>\$312,000</del> ))
	<u>\$2,181,000</u>
Transportation Partnership Account—State Appropriation	(( <del>\$8,410,000</del> ))
	<u>\$9,432,000</u>
Connecting Washington Account—State Appropriation	(( <del>\$75,640,000</del> ))
	<u>\$99,141,000</u>
Capital Vessel Replacement Account—State Appropriation	(( <del>\$152,453,000</del> ))
	<u>\$45,668,000</u>
Motor Vehicle Account—State Appropriation	\$1,000
Transportation 2003 Account (Nickel Account)—State Appropriation	<u>\$987,000</u>
TOTAL APPROPRIATION	(( <del>\$504,762,000</del> ))
	<u>\$499,014,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2021-2~~) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~) February 20, 2022, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

- (i) Anticipated cost increases and cost savings;
- (ii) Anticipated cash flow and schedule changes; and
- (iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

- (i) What work has been done;
- (ii) How have schedules shifted; and
- (iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) ((~~\$5,000,000~~) \$12,232,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ((~~\$1,277,000~~) \$2,385,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry

system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ~~(\$24,750,000)~~ \$28,134,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ~~(\$152,453,000)~~ \$45,668,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). Of the amounts appropriated in this subsection, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance. In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to ~~(\$152,453,000)~~ \$45,668,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) \$4,200,000 of the connecting Washington account—state appropriation and \$2,200,000 of the Puget Sound ~~(operating) capital construction account~~ ~~(Puget Sound capital construction account)~~—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

**Sec. 309.** 2021 c 333 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State Appropriation	<del>(\$550,000)</del> <u>\$1,108,000</u>
Transportation Infrastructure Account—State Appropriation	<del>(\$5,456,000)</del> <u>\$6,218,000</u>
Multimodal Transportation Account—State Appropriation	<del>(\$82,493,000)</del> <u>\$118,320,000</u>

Multimodal Transportation Account—Federal Appropriation	<del>(\$41,219,000)</del> <u>\$6,567,000</u>
<u>Multimodal Transportation Account—Private/Local Appropriation</u>	<u>\$13,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$1,810,000</u>
<u>Carbon Emissions Reduction Account—State Appropriation</u>	<u>\$50,000,000</u>
TOTAL APPROPRIATION	<del>(\$129,718,000)</del> <u>\$184,036,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) ~~(\$6,817,000)~~ \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~(\$550,000)~~ \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ~~(((\$33,964,000))~~ \$32,996,000 of the multimodal transportation account—state appropriation ~~((and \$37,500,000 of the multimodal transportation account—federal appropriation are))~~ is provided solely for Passenger Rail Equipment Replacement ~~((project 700010C.))~~ (project 700010C). The ~~((appropriations))~~ appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) \$223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.

(9) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(10) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, this subsection lapses.

(11) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 310. 2021 c 333 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation	(((\$793,000))
	<u>\$1,744,000</u>
Highway Infrastructure Account—Federal Appropriation	(((\$1,600,000))

	<u>\$2,935,000</u>
Transportation Partnership Account—State Appropriation	(((\$750,000))
	<u>\$1,000,000</u>
Motor Vehicle Account—State Appropriation	(((\$11,064,000))
	<u>\$23,651,000</u>
Motor Vehicle Account—Federal Appropriation	(((\$55,751,000))
	<u>\$79,306,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$6,600,000
Connecting Washington Account—State Appropriation	(((\$123,292,000))
	<u>\$176,755,000</u>
Multimodal Transportation Account—State Appropriation	(((\$71,615,000))
	<u>\$96,354,000</u>
<u>Carbon Emissions Reduction Account—State Appropriation</u>	<u>\$19,360,000</u>
TOTAL APPROPRIATION	(((\$271,465,000))
	<u>\$407,705,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ~~(((\$32,613,000))~~ \$46,163,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(b) ~~(((\$19,344,000))~~ \$26,086,000 of the motor vehicle account—federal appropriation and ~~(((\$17,397,000))~~ \$21,656,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ~~(((\$6,561,000))~~ \$11,987,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ~~(\$12,500,000)~~ \$17,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) ~~(\$11,679,000)~~ \$35,411,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) \$6,890,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-2 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(10) \$5,640,000 of the climate emission reductions account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(11) \$6,830,000 of the climate emission reductions account—state appropriation is provided solely for safe routes to school program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(12) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) \$500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20, 2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(15) \$529,000 of the multimodal transportation account—state appropriation is provided solely for a commuter bus for the Sauk-Suiattle tribe, town of Darrington, North county family services and surrounding citizens.

**Sec. 311.** 2021 c 333 s 313 (uncodified) is amended to read as follows:

#### **QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established in section 309 ~~((of this act))~~, chapter 333, Laws of 2021, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

#### **TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2021 c 333 s 401 (uncodified) is amended to read as follows:

#### **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State	Appropriation	
		<del>(\$904,000)</del>
		<u>\$795,000</u>
Connecting Washington Account—State	Appropriation	
		<del>(\$11,153,000)</del>
		<u>\$5,584,000</u>
Special Category C Account—State	Appropriation	
		<del>(\$412,000)</del>
		<u>\$257,000</u>
Highway Bond Retirement Account—State	Appropriation	
		<del>(\$1,483,793,000)</del>
		<u>\$1,424,896,000</u>
Ferry Bond Retirement Account—State	Appropriation	
		\$17,150,000
Transportation Improvement Board Bond Retirement Account—State	Appropriation	
		<del>(\$11,770,000)</del>
		<u>\$17,566,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account—State	Appropriation	
		<del>(\$29,323,000)</del>
		<u>\$26,278,000</u>
Toll Facility Bond Retirement Account—State	Appropriation	
		\$76,376,000
<b>TOTAL APPROPRIATION</b>		<del>(\$1,630,881,000)</del>
		<u>\$1,568,177,000</u>

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

**Sec. 402.** 2021 c 333 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation	(( <del>\$181,000</del> ))
	<u>\$150,000</u>
Connecting Washington Account—State Appropriation	(( <del>\$2,231,000</del> ))
	<u>\$1,117,000</u>
Special Category C Account—State Appropriation	(( <del>\$82,000</del> ))
	<u>\$51,000</u>
<u>Transportation Improvement Account—State Appropriation</u>	<u>\$20,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$2,494,000</del>))</b>
	<b><u>\$1,315,000</u></b>

**Sec. 403.** 2021 c 333 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties	(( <del>\$467,390,000</del> ))
	<u>\$474,003,000</u>

Multimodal Transportation Account—State Appropriation: For distribution to cities and counties	\$26,786,000
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Motor Vehicle Account—State Appropriation: For distribution to cities and counties	\$23,438,000
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**Sec. 404.** 2021 c 333 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers	(( <del>\$1,974,599,000</del> ))
	<u>\$2,000,419,000</u>

**Sec. 405.** 2021 c 333 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers	(( <del>\$235,675,000</del> ))
	<u>\$240,330,000</u>

**Sec. 406.** 2021 c 333 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$47,000,000

(2)(a) Transportation Partnership Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State	(( <del>\$152,453,000</del> ))
	<u>\$45,668,000</u>

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(3)(a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State Appropriation: For transfer to Alaskan Way Viaduct Account—State \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$7,666,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$5,511,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$9,331,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State \$9,688,000

(9) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(10)(a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(11) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,532,000

(12) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$35,000,000

(13)(a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Transportation Partnership Account—State	(( <del>\$10,305,000</del> ))
	<u>\$1,542,000</u>

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State \$14,670,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State \$200,000,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$4,011,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State \$600,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State	(( <del>\$1,500,000</del> ))
	<u>\$2,000,000</u>

(19) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$60,000,000

(20) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

(21) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project Account—  
State Appropriation: For transfer to the Transportation  
Partnership Account—State \$22,884,000

(b) The amount transferred in this subsection represents  
repayment of debt service incurred for the construction of the SR  
99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State  
Appropriation: For transfer to the Motor Vehicle  
Account—State \$950,000

(24) Puget Sound Ferry Operations Account—State  
Appropriation: For transfer to the Puget Sound Capital  
Construction Account—State \$60,000,000

(25)(a) General Fund Account—State Appropriation: For  
transfer to the State Patrol Highway Account—State \$625,000

(b) The state treasurer shall transfer the funds only after  
receiving notification from the Washington state patrol under  
section 207(2) (~~of this act~~), chapter 333, Laws of 2021.

### COMPENSATION

**Sec. 501.** 2021 c 333 s 502 (uncodified) is amended to read  
as follows:

#### COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 520 (~~of this act~~), chapter 333, Laws of  
2021 represent the results of the 2021-2023 collective bargaining  
process required under chapters 41.80, 47.64, and 41.56 RCW.  
Provisions of the collective bargaining agreements contained in  
sections 503 through 520 (~~of this act~~), chapter 333, Laws of  
2021 are described in general terms. Only major economic terms  
are included in the descriptions. These descriptions do not contain  
the complete contents of the agreements. The collective  
bargaining agreements contained in sections 503 through 520 (~~of  
this act~~), chapter 333, Laws of 2021 may also be funded by  
expenditures from nonappropriated accounts. If positions are  
funded with lidded grants or dedicated fund sources with  
insufficient revenue, additional funding from other sources is not  
provided.

**Sec. 502.** 2021 c 333 s 503 (uncodified) is amended to read  
as follows:

#### DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU

(1) An agreement has been reached between the governor and  
the office and professional employees international union local  
eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023  
fiscal biennium. Funding is provided to fund the agreement,  
which does not include wage increases but does include  
furloughs. The agreement provides that positions designated by  
the employer as not requiring backfill take 24 furlough days  
during the biennium. In addition, the following positions are not  
subject to the furlough requirement: Bid administrator, dispatch,  
dispatch coordinator, and relief positions.

(2) An agreement has been reached between the governor and  
the office and professional employees international union local  
eight (OPEIU) pursuant to chapter 47.64 RCW for fiscal year  
2023. The agreement includes and funding is provided for a  
general wage increase of 3.25 percent for fiscal year 2023 and a  
lump sum payment for employees hired before July 1, 2022.

**Sec. 503.** 2021 c 333 s 504 (uncodified) is amended to read  
as follows:

#### DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA

(1) An agreement has been reached between the governor and  
the ferry agents, supervisors, and project administrators  
association pursuant to chapter 47.64 RCW for the 2021-2023  
fiscal biennium. Funding is provided to fund the agreement,

which does not include wage increases but does include  
furloughs. The agreement provides that positions designated by  
the employer as not requiring backfill take 24 furlough days  
during the biennium.

(2) An agreement has been reached between the governor and  
the ferry agents, supervisors, and project administrators  
association pursuant to chapter 47.64 RCW for fiscal year 2023.  
The agreement includes and funding is provided for a general  
wage increase of 3.25 percent for fiscal year 2023 and a lump sum  
payment for employees hired before July 1, 2022.

**Sec. 504.** 2021 c 333 s 505 (uncodified) is amended to read  
as follows:

#### DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6

(1) An agreement has been reached between the governor and  
the service employees international union local 6 pursuant to  
chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding  
is provided to fund the agreement, which does not include wage  
increases but does include furloughs. The agreement provides that  
positions designated by the employer as not requiring backfill  
take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and  
the service employees international union local 6 pursuant to  
chapter 47.64 RCW for fiscal year 2023. The agreement includes  
and funding is provided for a general wage increase of 3.25  
percent for fiscal year 2023 and a lump sum payment for  
employees hired before July 1, 2022.

**Sec. 505.** 2021 c 333 s 506 (uncodified) is amended to read  
as follows:

#### DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS

(1) An agreement has been reached between the governor and  
the Pacific Northwest regional council of carpenters pursuant to  
chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding  
is provided to fund the agreement, which does not include wage  
increases but does include furloughs. The agreement provides that  
positions designated by the employer as not requiring backfill  
take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and  
the Pacific Northwest regional council of carpenters pursuant to  
chapter 47.64 RCW for fiscal year 2023. The agreement includes  
and funding is provided for a general wage increase of 3.25  
percent for fiscal year 2023 and a lump sum payment for  
employees hired before July 1, 2022.

**Sec. 506.** 2021 c 333 s 507 (uncodified) is amended to read  
as follows:

#### DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES

(1) An agreement has been reached between the governor and  
the Puget Sound metal trades council through an interest  
arbitration award pursuant to chapter 47.64 RCW for the 2021-  
2023 fiscal biennium. The arbitration award imposed and funding  
is provided to implement a 1.9% general wage decrease from July  
1, 2021, through June 30, 2022, and exempted these employees  
from the furlough requirement.

(2) An agreement has been reached between the governor and  
the Puget Sound metal trades council pursuant to chapter 47.64  
RCW for fiscal year 2023. The agreement includes and funding  
is provided for a general wage increase of 3.25 percent for fiscal  
year 2023 and a lump sum payment for employees hired before  
July 1, 2022.

**Sec. 507.** 2021 c 333 s 508 (uncodified) is amended to read  
as follows:

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MEBA-UL**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 508.** 2021 c 333 s 509 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MEBA-L**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 509.** 2021 c 333 s 510 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MEBA—PORT ENGINEERS**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 510.** 2021 c 333 s 511 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MM&P MATES**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 511.** 2021 c 333 s 512 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MM&P MASTERS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 512.** 2021 c 333 s 513 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—MM&P WATCH CENTER  
SUPERVISORS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 513.** 2021 c 333 s 514 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE  
DIVISION COLLECTIVE BARGAINING  
AGREEMENTS—IBU**

(1) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec. 514.** 2021 c 333 s 519 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP  
TROOPERS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec. 515.** 2021 c 333 s 520 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP  
LIEUTENANTS AND CAPTAINS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec. 516.** 2021 c 333 s 521 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—  
HEALTH CARE—COALITION—INSURANCE  
BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1094)~~) \$1130 per eligible employee.

The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

**Sec. 517.** 2021 c 333 s 522 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES  
OUTSIDE HEALTH CARE COALITION—INSURANCE  
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1094)~~) \$1130 per eligible employee.

**NEW SECTION. Sec. 518.** The following acts or parts of acts are each repealed:

- (1)2021 c 333 s 526 (uncodified);
- (2)2021 c 333 s 527 (uncodified);
- (3)2021 c 333 s 528 (uncodified);
- (4)2021 c 333 s 529 (uncodified);
- (5)2021 c 333 s 530 (uncodified);
- (6)2021 c 333 s 531 (uncodified);
- (7)2021 c 333 s 532 (uncodified); and
- (8)2021 c 333 s 537 (uncodified).

**IMPLEMENTING PROVISIONS**

**Sec. 601.** 2021 c 333 s 601 (uncodified) is amended to read as follows:

**MANAGEMENT OF TRANSPORTATION FUNDS  
WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed (~~(April 23, 2021)~~) February 20, 2022, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (l) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (l) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

FIFTY SECOND DAY, MARCH 2, 2022

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022; or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

**Sec. 602.** 2021 c 333 s 606 (uncodified) is amended to read as follows:

#### **TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit,

bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

#### **NEW SECTION. Sec. 603.** A new section is added to 2021 c 333 (uncodified) to read as follows: **INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDS ALLOCATIONS**

The legislature acknowledges that the manner in which the allocation of formula program funding from federal funding authorization acts between the state and local governments has been determined in the past by work groups composed of a number of stakeholders to advise the governor and the legislature. It is the intent of the legislature that a similar process be undertaken for the allocation of formula program funds from the infrastructure investment and jobs act for federal fiscal years after 2023, as provided in section 204(13) of this act. For the purposes of federal fiscal year 2023 and for the purposes of ensuring the efficient and timely obligation of federal funds, the legislature finds that a schedule of formula program allocations be applied, as provided in this section, based on a modification of the allocation schedule under the fixing America's surface transportation act.

(1) Amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 are assumed to be allocated in the following manner:

(a) Eighty-seven percent of national highway performance program funds is allocated to the state and 13 percent is allocated to local governments;

(b) Thirty percent of highway safety improvement grants is allocated to the state and 70 percent is allocated to local governments;

(c) One hundred percent of national highway freight program funds is allocated to the state;

(d) One hundred percent of statewide planning & research funds is allocated to the state;

(e) Eighty-five percent of bridge replacement program funds is allocated to the state and 15 percent is allocated to local governments;

(f) Thirty-five percent of carbon reduction program funds is allocated to the state and 65 percent is allocated to local governments;

(g) One hundred percent of national vehicle electric funds is allocated to the state; and

(h) One hundred percent of promoting resilient operations for transformative, efficient, and cost-saving transportation grant program funds is allocated to the state.

(2) Additionally, amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 for the surface transportation block grant subprograms are assumed to be allocated in the following manner:

(a) One hundred percent of the surface transportation block grant program amounts for off-system bridges is allocated to local governments;

(b) One hundred percent of the surface transportation block bridge grant program amounts for distribution based on population is allocated to local governments;

(c) Eighty-six percent of the surface transportation block grant program amounts for distribution to any area of the state is allocated to the state and 14 percent is allocated to local governments.

#### MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

**Sec. 701.** 2021 c 333 s 701 (uncodified) is amended to read as follows:

##### INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) Discrete financial budget codes to include at least the appropriation index and program index;
- (iv) Object and subobject codes of expenditures;
- (v) Anticipated deliverables;
- (vi) Historical budget and expenditure detail by fiscal year; and
- (vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;
- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;
- (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;
- (vi) Monthly office of the chief information officer status reports;
- (vii) Historical project budget and expenditures through fiscal year 2021;
- (viii) Budget and expenditures each fiscal month;
- (ix) Estimated annual maintenance and operations costs by fiscal year; and
- (x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:
  - (A) Office of the chief information officer;
  - (B) Agency project team; and
  - (C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

- (a) A separate technology budget and investment plan must be prepared for each agency; and
- (b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

- (a) Quality assurance for the project must report independently to the office of the chief information officer;
- (b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

FIFTY SECOND DAY, MARCH 2, 2022

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement(~~(; new esc system and operator)~~), PROPEL – WSDOT support of one Washington, and capital systems replacement.

**Sec. 702.** 2021 c 333 s 702 (uncodified) is amended to read as follows:

#### **ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

(1) The department of transportation is authorized, subject to the conditions in section 305(2) (~~(of this act)~~), chapter 333, Laws of 2021, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline. If the department of transportation has entered into a financing agreement for the purposes specified in this subsection prior to June 30, 2021, this subsection has no force and effect.

**Sec. 703.** RCW 46.68.410 and 2010 c 161 s 812 are each amended to read as follows:

(1) The vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed as follows:

~~((1) Fifteen dollars))~~ (a) \$15 to the state patrol highway account created in RCW 46.68.030; and

~~((2) Fifty dollars))~~ (b) \$50 to the motor vehicle fund created in RCW 46.68.070.

(2) During the 2021-2023 fiscal biennium, the entire vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed to the state patrol highway account created in RCW 46.68.030.

**Sec. 704.** RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. For the 2021-2023 biennium, expenditures from the account may also be used to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington state department of transportation. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

**Sec. 705.** RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value, except as specified in subsection (9) of this section during the 2021-2023 fiscal biennium:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW; (~~(e)~~)

(j) During the 2021-2023 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the

city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to ~~((ten))~~ 10 percent of the fair market value of the real property or ~~((five thousand dollars))~~ \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within ~~((sixty))~~ 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

(9) During the 2021-2023 fiscal biennium, the department may sell or convey surplus property at less than its fair market value when the department finds that it is in the public interest to do so because:

(a) The surplus property will be used as a substitute for property to be redeveloped to provide the public benefit of affordable housing; and

(b) The development of affordable housing on that property would not otherwise be adequately compensated.

**Sec. 706.** RCW 46.01.385 and 2021 c 32 s 2 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing staffing shortages.

**Sec. 707.** 2021 c 333 s 719 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a

new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands;

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by February 15, 2022;

(iii) Identifying the top two locations from the final six locations by October 15, 2022; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by ~~((February))~~ June 15, 2023; and

(c) A projected timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ~~((February))~~ June 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(4) This section expires June 30, 2023.

#### MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Liias moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and request of the House a conference thereon.

Senators Liias and King spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Liias that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and request a conference thereon.

The motion by Senator Liias carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5689 and requested of the House a conference thereon by voice vote.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5689 and the House amendment(s) thereto: Senators King, Lias and Saldaña.

## MOTION

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

## PERSONAL PRIVILEGE

Senator Sefzik: "Mr. President, when I gave my first speech after the passing of my bill, I did not follow protocol and I did not have gifts. I am happy to report that I now have those. I have specifically brought Top Ramen for everybody because that is what I eat a lot of. And in the past few years that has been sort of my constant meal. But in addition, I have also brought one-ounce little bars of chocolate that were made up in my district from a place called *Chocolate Necessities*. So, I hope that if anybody enjoys ramen as much as I do, you have a meal and a treat for you. So, thank you and I again apologize for my tardiness in only now being able to bring this forward. Thank you."

President Heck: "Did you bring fifty or forty-nine?"

Senator Sefzik: "I brought, actually, sixty. And I have even more ramen in my office in case anybody would like more, including spicy ramen."

## PERSONAL PRIVILEGE

Senator Salomon: "Mr. President, while I appreciate the sentiment of the good Senator from the 42<sup>nd</sup>, I think a more appropriate gift from his district might have been a glass of milk for all of us. Well, maybe next time."

## MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 1825, by Representatives Dye, Orwall and Graham

Concerning continuity of judicial operations in single judge courts.

The measure was read the second time.

## MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 2.56 RCW to read as follows:

For purposes of this title and Title 3 RCW, unless the context clearly requires otherwise, "single judge court" means a court or judicial district that has only one judge.

**Sec. 2.** RCW 2.56.040 and 2005 c 182 s 1 are each amended to read as follows:

(1) The chief justice shall consider all recommendations of the administrator for the assignment of judges, and, in the discretion of the chief justice, direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court (~~in any county or district~~) where need therefor exists, to the end that the courts ((~~of~~)) in this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. It shall be the duty of every judge to obey such direction of the chief justice unless excused by the chief justice for sufficient cause.

(2)(a) If due to illness, incapacity, resignation, death, or other unavailability the presiding judge in a single judge court is unable to fulfill the duties of the office, and either (i) no person has been designated by the presiding judge to serve as presiding judge pro tempore or (ii) the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve, the chief justice may appoint another judicial officer or other person as the presiding judge pro tempore who meets the qualifications of a judge pro tempore, subject to (c) of this subsection, during the remaining period of unavailability or until a vacancy is filled as provided by law.

(b) The chief justice may appoint someone other than the previously designated or appointed individual to serve as presiding judge pro tempore whenever the chief justice determines that the administration of justice would be better served by appointment of someone else to fulfill the presiding judge duties, subject to (c) of this subsection, during the remaining period of unavailability or until the vacancy is filled as provided by law.

(c) The chief justice, or designee, shall consult with the local legislative and executive authorities before removing or appointing a presiding judge pro tempore under (a) or (b) of this subsection.

(d) Nothing in this section is intended to modify the role of the commission on judicial conduct as provided in Article IV, section 31 of the Washington state Constitution and chapter 2.64 RCW.

**Sec. 3.** RCW 2.08.120 and 1955 c 38 s 5 are each amended to read as follows:

(1) If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

**Sec. 4.** RCW 2.24.010 and 2021 c 311 s 17 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein or a presiding judge pro tempore who is fulfilling presiding judge duties for a single judge court pursuant to RCW 2.08.120(2), one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation of criminal commissioner positions.

**Sec. 5.** RCW 3.34.150 and 1989 c 227 s 7 are each amended to read as follows:

(1) If a district has more than one judge, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. If a county has multiple districts or has one district with multiple electoral districts, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties.

(2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first.

**Sec. 6.** RCW 3.34.100 and 2003 c 97 s 3 are each amended to read as follows:

(1) If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the

total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

**Sec. 7.** RCW 3.34.130 and 1996 c 16 s 1 are each amended to read as follows:

(1) (~~Each~~) In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.34.150(2), each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority.

(2) For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the district judge in whose place the judge pro tempore serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves:

(a) While a district judge is using sick leave granted in accordance with RCW 3.34.100;

(b) While a district court judge is disqualified from serving following the filing of an affidavit of prejudice;

(c) As an additional judge for excess case load or special set cases; or

(d) While a district judge is otherwise involved in administrative, educational, or judicial functions related to the performance of the judge's duties: PROVIDED, That the appointment of judge pro tempore authorized under subsection (2)(c) and (d) of this section is subject to an appropriation for this purpose by the county legislative authority.

(3) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

**Sec. 8.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to read as follows:

When so authorized by the districting plan, one or more district court commissioners may be appointed in any district by the judges of the district. Each commissioner shall be a registered voter of the county in which the district or a portion thereof is located, and shall hold office at the pleasure of the appointing judges. For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay judges as provided under RCW 3.34.060.

**NEW SECTION. Sec. 9.** A new section is added to chapter 3.50 RCW to read as follows:

During any vacancy that occurs in a single judge court pursuant to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

**Sec. 10.** RCW 3.50.075 and 2019 c 52 s 1 are each amended to read as follows:

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) Except as provided in subsection (4) of this section, a commissioner has such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess, and must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

(6) For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.50.090(2).

**Sec. 11.** RCW 3.50.090 and 2000 c 55 s 1 are each amended to read as follows:

~~(The)~~ (1) In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.50.090(2), the presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not be a resident of the city or county in which the municipal court is located. Judges pro

tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Such pro tempore judges shall receive such compensation as shall be fixed by ordinance by the municipality in which the court is located and such compensation shall be paid by the municipality.

(2) If a presiding municipal court judge is the single judge of the court, then pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first."

On page 1, line 2 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW."

Senators Dhingra and Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1825.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1825 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1825 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1825 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1825, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1832, by Representatives Springer, Vick, Walen and Goehner

Concerning code city form of government elections and city manager appointment.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1832.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Hasegawa, Honeyford and Wagoner

Excused: Senator Robinson

HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1867, by House Committee on Education (originally sponsored by Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier)

Concerning dual credit program data.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1867.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1867 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1975, by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

Concerning property management services provided to housing authority properties.

The measure was read the second time.

#### MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes the important role housing authorities play in providing much needed affordable housing to more than 35,000 households through their inventory of rental housing, including through workforce housing programs where housing authorities keep rents as low as possible and operate on very thin margins.

The legislature finds that for nearly 30 years without issue, objection, or complaint, housing authorities have been contracting with property management services companies for site operations at unsubsidized workforce housing properties. The legislature further finds that it is critical to continue efforts to preserve and expand naturally occurring workforce housing units statewide. Therefore, the legislature recognizes that, at unsubsidized housing authority properties, tenant rents and deposits paid to property management companies and used to pay for regular maintenance and operations are private funds and such maintenance work is not a public work.

**Sec. 2.** RCW 35.82.070 and 2002 c 218 s 22 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to

FIFTY SECOND DAY, MARCH 2, 2022

participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development owned by the authority or at least ~~((fifty))~~ 50 percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of

housing for persons of low income for at least ~~((twenty))~~ 20 years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To contract with a property management services company for purposes of operating a housing project. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((7))~~ (8) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((8))~~ (9) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((9))~~ (10) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

~~((14))~~ (11) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((14))~~ (12) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((14))~~ (13) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

~~((14))~~ (14) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((14))~~ (15) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((15))~~ (16) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((16))~~ (17) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind to which the authority is a party.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((18))~~ (19) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least ~~((twenty))~~ 20 years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development or at least ~~((fifty))~~ 50 percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The ~~((twenty-year))~~ 20-year requirement under this subsection ~~((18))~~ (19)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of

dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed ~~((fifty))~~ 50 percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed ~~((fifteen))~~ 15 percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((18))~~ (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed ~~((sixty))~~ 60 percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than ~~((twenty))~~ 20 percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

~~((19))~~ (20) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects."

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 35.82.070; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to House Bill No. 1975.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1975 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Fortunato and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1975 as amended by the Senate.

#### ROLL CALL

FIFTY SECOND DAY, MARCH 2, 2022

The Secretary called the roll on the final passage of House Bill No. 1975 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senator Robinson

HOUSE BILL NO. 1975, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2033, by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2033.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2033 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 2033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1644, by House Committee on Appropriations (originally sponsored by Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney)

Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure.

The measure was read the second time.

## MOTION

Senator Rolfes moved that the following amendment no. 1348 by Senator Rolfes be adopted:

On page 2, line 22, after "vehicles;" strike "and"

On page 2, line 26, after "installation" insert "; and"

(f) Converting or repowering existing gas or diesel pupil transportation vehicles to electric or zero emission pupil transportation vehicles"

Senators Rolfes, Hawkins and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1348 by Senator Rolfes on page 2, line 22 to Substitute House Bill No. 1644.

The motion by Senator Rolfes carried and amendment no. 1348 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1644 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

## MOTION

On motion of Senator Randall, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1644 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1644 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator McCune

Excused: Senators Frockt and Robinson

SUBSTITUTE HOUSE BILL NO. 1644 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on State Government & Tribal Relations (originally sponsored by Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri)

Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety.

The measure was read the second time.

#### MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 42.56 RCW to read as follows:

(1) The following information or records created or maintained by the department of corrections is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual who is the subject of the information, a requestor with the written permission of the incarcerated individual who is the subject of the information, or a personal representative of an incarcerated individual who is the subject of the information. In response to such requests, the department of corrections may withhold information revealing the identity of other incarcerated individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests

for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW 72.09.015 and includes currently or formerly incarcerated individuals.

**NEW SECTION. Sec. 2.** This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to the effective date of this section for which disclosure of records has not already occurred.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency."

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1329 by Senator Wilson, J. be adopted:

On page 1, line 23, after "identity" insert "and information identifying the transgender, intersex, nonbinary, or gender nonconforming status"

On page 1, line 23, after "individual" strike "is" and insert "are"

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1329 by Senator Wilson, J. on page 1, line 23 to the striking amendment by the Committee on State Government & Elections.

The motion by Senator Wilson, J. did not carry, and amendment no. 1329 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections to Engrossed Substitute House Bill No. 1956.

The motion by Senator Hunt carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1956 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1956 as amended by the Senate.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1956 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1724, by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba)

Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1724.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1724 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1376, by Representative Fey

Concerning registration of land titles.

The measure was read the second time.

## MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The following acts or parts of acts are each repealed:

(1)RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;

(2)RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;

(3)RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;

(4)RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5)RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6)RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7)RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8)RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9)RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

(10)RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 & 1907 c 250 s 10;

(11)RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c 117 s 215 & 1907 c 250 s 11;

(12)RCW 65.12.065 (Registrar not to practice law—Liability for deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

(13)RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(14)RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(15)RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(16)RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(17)RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(18)RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(19)RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(20)RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(21)RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(22)RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(23)RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

- (24)RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;
- (25)RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;
- (26)RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;
- (27)RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;
- (28)RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;
- (29)RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;
- (30)RCW 65.12.175 (Decree of registration—Effect—Appellate review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, & 1907 c 250 s 27;
- (31)RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;
- (32)RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;
- (33)RCW 65.12.195 (Title free from incumbrances—Exceptions) and 1907 c 250 s 30;
- (34)RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226 & 1907 c 250 s 31;
- (35)RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32;
- (36)RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907 c 250 s 33;
- (37)RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s 2;
- (38)RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44 & 1917 c 62 s 3;
- (39)RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;
- (40)RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;
- (41)RCW 65.12.245 (Title prior to withdrawal unaffected) and 1917 c 62 s 6;
- (42)RCW 65.12.250 (Entry of registration—Records) and 2012 c 117 s 228 & 1907 c 250 s 34;
- (43)RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46, 2012 c 117 s 229, & 1907 c 250 s 35;
- (44)RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s 230 & 1907 c 250 s 36;
- (45)RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 & 1907 c 250 s 37;
- (46)RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47 & 1907 c 250 s 38;
- (47)RCW 65.12.275 (Exchange of certificates—Platting land) and 1907 c 250 s 39;
- (48)RCW 65.12.280 (Effective date of certificate) and 1907 c 250 s 40;
- (49)RCW 65.12.290 (Certificate of title as evidence) and 2012 c 117 s 232 & 1907 c 250 s 41;
- (50)RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233 & 1907 c 250 s 42;
- (51)RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c 117 s 234 & 1907 c 250 s 43;
- (52)RCW 65.12.320 (Dealings with registered land) and 2012 c 117 s 235 & 1907 c 250 s 44;
- (53)RCW 65.12.330 (Registration has effect of recording) and 1907 c 250 s 45;
- (54)RCW 65.12.340 (Filing—Numbering—Indexing—Public records) and 1907 c 250 s 46;
- (55)RCW 65.12.350 (Duplicate of instruments certified—Fees) and 1907 c 250 s 47;
- (56)RCW 65.12.360 (New certificate—Register of less than fee—When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s 48;
- (57)RCW 65.12.370 (Owner's certificate to be produced when new certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;
- (58)RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250 s 50;
- (59)RCW 65.12.380 (Conveyance of registered land) and 2012 c 117 s 238 & 1907 c 250 s 51;
- (60)RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s 52;
- (61)RCW 65.12.400 (Registered land charged as other land) and 1907 c 250 s 53;
- (62)RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c 250 s 54;
- (63)RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;
- (64)RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s 239 & 1907 c 250 s 56;
- (65)RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;
- (66)RCW 65.12.440 (Foreclosures on registered land) and 1907 c 250 s 58;
- (67)RCW 65.12.445 (Registration of final decree—New certificate) and 2012 c 117 s 240 & 1907 c 250 s 59;
- (68)RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c 117 s 241 & 1907 c 250 s 60;
- (69)RCW 65.12.460 (Petition for new certificate) and 1907 c 250 s 61;
- (70)RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242 & 1907 c 250 s 62;
- (71)RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s 243 & 1907 c 250 s 63;
- (72)RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s 244 & 1907 c 250 s 64;
- (73)RCW 65.12.500 (Trustee may register land) and 2012 c 117 s 245 & 1907 c 250 s 65;
- (74)RCW 65.12.510 (Creation of lien on registered land) and 1907 c 250 s 66;
- (75)RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;
- (76)RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c 117 s 246 & 1907 c 250 s 68;
- (77)RCW 65.12.540 (Decree) and 1907 c 250 s 69;
- (78)RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s 247 & 1907 c 250 s 70;
- (79)RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s 248 & 1907 c 250 s 71;
- (80)RCW 65.12.570 (Land registered only after redemption period) and 2012 c 117 s 249 & 1907 c 250 s 72;
- (81)RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s 73;
- (82)RCW 65.12.590 (Probate court may direct sale of registered land) and 2012 c 117 s 250 & 1907 c 250 s 74;
- (83)RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251 & 1907 c 250 s 75;
- (84)RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s 252 & 1907 c 250 s 76;
- (85)RCW 65.12.620 (Registration when owner's certificate withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;
- (86)RCW 65.12.630 (Reference to examiner of title) and 1907 c 250 s 78;
- (87)RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 & 1907 c 250 s 79;
- (88)RCW 65.12.640 (Registered instruments to contain names and addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;
- (89)RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s 256 & 1907 c 250 s 81;

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

(90)RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75 & 1907 c 250 s 82;

(91)RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;

(92)RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;

(93)RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;

(94)RCW 65.12.700 (When fund not liable—Maximum liability) and 1907 c 250 s 86;

(95)RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258, 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;

(96)RCW 65.12.720 (Proceeding to change records) and 2012 c 117 s 259 & 1907 c 250 s 88;

(97)RCW 65.12.730 (Certificate subject of theft—Penalty) and 2003 c 53 s 291 & 1907 c 250 s 89;

(98)RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s 90;

(99)RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s 293 & 1907 c 250 s 91;

(100)RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907 c 250 s 92;

(101)RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s 260 & 1907 c 250 s 93;

(102)RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c 250 s 94;

(103)RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261, 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;

(104)RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 & 1907 c 250 s 96; and

(105)RCW 65.12.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

**NEW SECTION. Sec. 2.** The repeal of the statutes listed in section 1 of this act does not affect any right accrued or established, or any liability or penalty incurred, under those statutes before their repeal.

**NEW SECTION. Sec. 3.** Unless real property subject to the provisions of chapter 65.12 RCW on the effective date of this section is previously withdrawn from the registry system by its owner in the manner provided by section 4 of this act, the real property shall cease to be subject to the provisions of chapter 65.12 RCW upon the effective date of this section.

**NEW SECTION. Sec. 4.** (1) By July 1, 2023, the owner of real property registered under the provisions of chapter 65.12 RCW on the effective date of this section shall surrender their duplicate certificate of title for the real property or their certified copy of the original certificate of title for the real property, as the case may be, to the registrar of titles for the county in which the real property is situated. If such duplicate certificate or certified copy has been lost, mislaid, or destroyed the owner of the real property shall make affidavit before the registrar of titles or any other officer authorized to administer oaths wherein the owner shall state, to the best of his or her knowledge, the circumstances of the loss, the description of the real property, the name and address of each registered owner, and each such owner's interest in the real property.

(2) Except as otherwise provided by subsection (3) of this section, the surrender of the duplicate certificate, certified copy, or the making of an affidavit under subsection (1) of this section shall be considered as a withdrawal of the real property therein described from the registry system in accordance with chapter 65.12 RCW.

(3) The registrar of titles for the county in which the real property is situated shall:

(a) Accept, without charging therefor, the surrender of such duplicate certificate of title, certified copy of the original certificate of title, or affidavit; and

(b) Issue, without charging therefor, a certificate of withdrawal for the real property as required by chapter 65.12 RCW; and

(c) Cause to be duly recorded in the office of the county auditor for the county, without charge, the certificate of withdrawal issued under (b) of this subsection and all instruments filed in the office of the registrar of titles that relate to outstanding interests in such real property and to outstanding liens, mortgages, and other charges upon such real property, referred to in or noted upon the original certificate of title to such real property on the date of the issuance of the certificate of withdrawal for such real property pursuant to (b) of this subsection.

**NEW SECTION. Sec. 5.** On July 1, 2023, the registrar of titles for the county shall cause the volumes of the register of titles for the county and the accompanying alphabetical indices and tract indices and other files and records in the office of the registrar of titles to be closed and placed in the permanent deed records of the county. At this time all properties remaining in registration are automatically withdrawn according to section 4(3) (b) and (c) of this act.

**NEW SECTION. Sec. 6.** (1) By December 1, 2022, the registrar of titles for each county shall send to each owner of real property situated in the county that is subject to the provisions of this act a written notice containing the following:

(a) A statement that the registry system has been discontinued by this act;

(b) A statement that such owner's real property will cease to be subject to registration under this act on July 1, 2023;

(c) A statement that such owner may withdraw, without charge, his or her real property from registration and the provisions of this act in the manner provided in section 4 of this act prior to such date;

(d) A statement that the validity and priority of lien interest or ownership is not affected by this process; and

(e) A statement that the registrar of titles for the county, upon completion of the required withdrawal procedures, shall cause the instruments described in section 4(3) of this act to be properly restored to the recording system without charge.

(2) The registrar of titles shall send the notice required by subsection (1) of this section to each such owner at the most recent address indicated on the original certificate of title for the owner's real property contained in the volumes of the register of titles for the county.

**NEW SECTION. Sec. 7.** Sections 3 and 5 of this act take effect July 1, 2023."

On page 1, line 1 of the title, after "titles;" strike the remainder of the title and insert "creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570,

65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date."

Senators Kuderer and Fortunato spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to House Bill No. 1376.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1376 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1376 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1376 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Holy, Honeyford, McCune, Padden, Rivers, Schoesler, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1376, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1389, by House Committee on Consumer Protection & Business (originally sponsored by Corry and Eslick)

Concerning transportation.

The measure was read the second time.

#### MOTION

Senator Hasegawa moved that the following amendment no. 1358 by Senator Hasegawa be adopted:

On page 3, line 37, after "than" insert "two times"

Senators Hasegawa and Mullet spoke in favor of adoption of the amendment.

Senator Dozier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1358 by Senator Hasegawa on page 3, line 37 to Substitute House Bill No. 1389.

The motion by Senator Hasegawa carried and amendment no. 1358 was adopted by voice vote.

#### MOTION

Senator Hasegawa moved that the following striking amendment no. 1352 by Senator Hasegawa be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the peer-to-peer vehicle sharing program act.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

(2) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time and in either case ends at the car sharing termination time.

(3) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. "Car sharing program agreement" does not mean rental car agreement, or similar agreement, as defined in RCW 48.115.005.

(4) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

(5) "Car sharing termination time" means the earliest of the following events:

(a) The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

(b) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program; or

(c) When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

(6) "Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program and additionally has the same meaning of "personal vehicle sharing" as defined in RCW 48.175.005. "Peer-to-peer car sharing" does not mean retail car rental under chapter 82.08 RCW or rental car as defined in RCW 46.04.465 and 48.115.005.

(7) "Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration and additionally has the same meaning of "personal vehicle sharing" as defined in RCW 48.175.005. "Peer-to-peer car sharing program" does not

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

mean rental car company as defined in RCW 48.115.005 or rental car business as defined in RCW 46.04.466.

(8) "Program insurance policy" has the same meaning as in RCW 48.175.005.

(9) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. "Shared vehicle" does not mean rental car as defined in RCW 46.04.465 and 48.115.005 or retail car rental as defined in RCW 82.08.011.

(10) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement for noncommercial use. For the purposes of this subsection, "noncommercial use" means use other than as a "commercial vehicle" as defined in RCW 46.04.140. "Shared vehicle driver" does not mean consumer as used in RCW 82.08.011. "Shared vehicle driver" does not mean renter within the meaning of RCW 48.115.005. A shared vehicle driver is not a person to whom a rental car is made available within the meaning of RCW 46.04.465.

(11) "Shared vehicle owner" means the registered owner of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. "Shared vehicle owner" does not mean rental car business as defined in RCW 46.04.466. "Shared vehicle owner" does not mean rental car company as defined in RCW 48.115.005.

NEW SECTION. Sec. 3. (1)(a) A peer-to-peer car sharing program shall assume the liability, except as provided in (b) of this subsection, of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement and must be in accordance with chapter 48.175 RCW.

(b) Notwithstanding the definition of car sharing termination time as provided in section 2 of this act, the assumption of liability under (a) of this subsection does not apply to any shared vehicle owner when:

(i) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or

(ii) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of car sharing termination time as provided in section 2 of this act, the assumption of liability under (a) of this subsection would apply to bodily injury, property damage, uninsured and underinsured motorist, or personal injury protection losses by damaged third parties required by chapter 46.29 RCW.

(d) A peer-to-peer car sharing program shall make certain that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a program insurance policy in accordance with chapter 48.175 RCW.

(e) Nothing in this chapter:

(i) Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(ii) Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(2) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to

the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

(3) Nothing in this chapter invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(4) A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle including, but not limited to, times used, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations.

(5) A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

(a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and

(b) Excluded under the terms of its policy.

NEW SECTION. Sec. 4. (1) Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:

(a) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;

(b) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

(c) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

(d) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

(e) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

(f) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries;

(g) If there are conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle; and

(h) All other insurance notices in accordance with RCW 48.175.010.

(2)(a) A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

(i) Holds a driver's license issued in this state authorizing the driver to operate vehicles of the class of the shared vehicle;

(ii) Is a nonresident who:

(A) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and

(B) Is at least the same age as that required of a resident to drive; or

(iii) Otherwise is specifically authorized to drive vehicles of the class of the shared vehicle.

(b) A peer-to-peer car sharing program shall keep a record of:

(i) The name and address of the shared vehicle driver;

(ii) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

(iii) The place of issuance of the driver's license.

(3) A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a global positioning system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

(4)(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(i) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(ii) Notify the shared vehicle owner of the requirements under (b) of this subsection.

(b) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(i) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(ii) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

(5) A peer-to-peer car sharing program shall follow all requirements of chapter 48.175 RCW.

**NEW SECTION. Sec. 5.** Sections 1 through 4 and 6 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 6.** This act takes effect January 1, 2023."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "adding a new chapter to Title 46 RCW; and providing an effective date."

Senators Hasegawa and Stanford spoke in favor of adoption of the striking amendment.

Senators Mullet and Dozier spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1352 by Senator Hasegawa to Substitute House Bill No. 1389.

The motion by Senator Hasegawa did not carry and striking amendment no. 1352 was not adopted by voice vote.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1389 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

Senator Hasegawa spoke on passage of the bill.

Senator Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1389 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1389 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hunt, King, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Trudeau, Van De Wege, Wagoner and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Kuderer, McCune, Muzzall, Padden, Schoesler, Sefzik, Short, Stanford, Warnick, Wellman, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, by House Committee on Housing, Human Services & Veterans (originally sponsored by Peterson, Simmons, Chopp, Lekanoff and Taylor)

Concerning security deposits and damages arising out of residential tenancies.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 2064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2064.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1934, by Representatives Fey, Robertson and Taylor

Allowing tribal governments to participate in exchange agreements without certain restrictions.

The measure was read the second time.

## MOTION

On motion of Senator Lias, the rules were suspended, House Bill No. 1934 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1934.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1934 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1833, by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1833.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1833 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1941, by House Committee on Education (originally sponsored by Walen)

Prohibiting active shooter scenarios for school safety-related drills.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

Senators Wagoner, Fortunato, Warnick, Padden, Wilson, L., Schoesler and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1941.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1941 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Gildon, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Frockt, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5489,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,  
 SUBSTITUTE SENATE BILL NO. 5496,  
 SUBSTITUTE SENATE BILL NO. 5497,  
 SENATE BILL NO. 5582,  
 SENATE BILL NO. 5583,  
 SENATE BILL NO. 5694,  
 SUBSTITUTE SENATE BILL NO. 5701,  
 SENATE BILL NO. 5747,  
 SENATE BILL NO. 5763,  
 SUBSTITUTE SENATE BILL NO. 5821,  
 SUBSTITUTE SENATE BILL NO. 5860,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5873.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, by House Committee on Appropriations (originally sponsored by Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez)

Increasing language access in public schools. Revised for 2nd Substitute: Addressing language access in public schools.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state. To this end, the state has developed interpreter credentialing programs for court, medical, and social service settings.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement

has beneficial impacts on student grades, test scores, drop-out rates, students' sense of competence, and beliefs about the importance of education. In Washington, many students' family members have language access barriers because they prefer to communicate in a language other than English or require communication assistance services. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(c) Effective two way communication between school staff and student's families in educational settings outside the classroom is not taking place for a variety of reasons, including: (i) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings outside the classroom.

(d) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access plan and program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access plans and programs. In addition, the legislature intends to direct the development and implementation of credentialing for spoken and sign language interpreters for students' families in educational settings outside the classroom, with the goal of creating a professional interpreter workforce guided by a code of ethics and standards of practice. Finally, the legislature intends to establish an ongoing advisory committee to guide, monitor, and report on the implementation of these new policies.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Interpreter" means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.

(2) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary until the office of the superintendent of public instruction and the Washington professional educator standards board establish a different definition in rule making.

(3) "2020 and 2021 reports of the language access work group" means the reports of the language access work group created by

FIFTY SECOND DAY, MARCH 2, 2022

section 2, chapter 256, Laws of 2019, and reconvened and expanded by section 501(3)(g), chapter 334, Laws of 2021.

**NEW SECTION. Sec. 3.** The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

**NEW SECTION. Sec. 4.** (1) The center for the improvement of student learning established in RCW 28A.300.130 must implement a language access technical assistance program for culturally responsive, systemic family engagement that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act;

(b) Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement required under sections 5 and 8 of this act;

(c) Develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;

(d) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language access services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using interpreter services provided by dual role staff and contract interpreters, for using remote interpretation, and for translating documents;

(iv) Language access service evaluation templates for spoken and sign languages;

(v) Information for students' families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly used by students and their families; and

(vi) Sample job description of school district language access coordinators and building points of contact for language access services;

(e) Develop, periodically update, and publish bilingual glossaries of education terminology;

(f) Analyze and publish language access and language access service information submitted as required under section 6 of this act. In addition to disaggregation by the student race and ethnicity categories and subcategories described in RCW 28A.300.042 (1) and (3), the published information must be disaggregated, to the

extent possible, by language, school district and school, type of meeting, and other demographics or categories; and

(g) Provide staff support for the language access advisory committee established in section 10 of this act.

(3) The activities of and resources provided by the language access technical assistance program must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

**NEW SECTION. Sec. 5.** (1) Each school district must designate a language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (4)(c) of this section, the language access coordinator may also be the language access liaison.

(2) By October 1, 2022, each school district must adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act and incorporates the model policy and procedures described in section 9 of this act.

(3) Beginning with the 2023-24 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(a) Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access services, and monitors the effectiveness of the language access program;

(b) Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described in section 4 of this act;

(c) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 4 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(d) Review, periodically, the language access policy and procedures adopted as required under subsection (2) of this section to incorporate updates made to the model policy and procedures described in section 9 of this act;

(e) Collaborate with community-based organizations on how to work effectively with interpreters; and

(f) Review, update, and publish, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

(4)(a) Except as required under (b) of this subsection, school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection.

(b) Beginning with the 2023-24 school year, school districts with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either: (i) Have a

full-time language access coordinator with the duties described in (c) of this subsection; or (ii) annually report to the office of the superintendent of public instruction the total number of hours school district staff spent performing the language access coordinator duties described in (c) of this subsection and other information as required by the office of the superintendent of public instruction.

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language access services; (ii) collaborate with any building points of contact for language access services; (iii) receive training and technical assistance provided under section 4 of this act; and (iv) deliver language access training and support to school district staff.

(5) The requirements in this section do not apply to school districts with both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

**NEW SECTION. Sec. 6.** (1) School districts must annually collect the following language access and language access service information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Feedback from participants in each interpreted meeting on the effectiveness of the interpretation and the provision of language access services;

(c) Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal data system established under RCW 28A.300.500; and

(d) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1)(a) and (c) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) School districts must summarize the feedback collected under subsection (1)(b) of this section and make it publicly accessible twice per year.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 5 and 6 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

**NEW SECTION. Sec. 8.** A new section is added to chapter 72.40 RCW to read as follows:

The center for deaf and hard of hearing youth and the state school for the blind must comply with the requirements in sections 5 and 6 of this act.

**NEW SECTION. Sec. 9.** (1) By August 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The model policy and procedure must include procedures for the school district board of directors to annually review the spending on and the need for language access services.

(c) The model policy and procedure must address procedures for effective communication with students' families who are deaf,

deaf and blind, blind, hard of hearing, or need other communication assistance.

(d) The elements of the model policy and procedures must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

**NEW SECTION. Sec. 10.** (1) The office of the superintendent of public instruction shall establish the language access advisory committee to guide and monitor the implementation of this act and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom.

(2) At a minimum, the advisory committee must guide, monitor, and make recommendations on the following topics:

(a) The effectiveness of language access policies, procedures, and programs;

(b) Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;

(c) The definition of "qualified interpreter";

(d) Supply of and demand for interpreters;

(e) Training for interpreters;

(f) Credentialing requirements for interpreters, including a code of professional conduct;

(g) Grants to cover nonstate controlled interpreter credentialing requirement costs;

(h) Language access and language access service data collection and analysis; and

(i) Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

(3)(a) The members of the advisory committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts.

(b) Members of the advisory committee must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Subject to available funding and as determined by the office of the superintendent of public instruction, members of the advisory committee who do not receive compensation from their employer or contractor for attendance, either in person or virtually, at a meeting of the advisory committee are eligible for a stipend.

(4) Staff support for the advisory committee must be provided by the language access technical assistance program described in section 4 of this act, except with respect to credentialing requirements for interpreters, for which staff support must also be provided by the Washington professional educator standards board.

(5) The advisory committee must collaborate with the Washington professional educator standards board, the Washington state office of equity established in RCW 43.06D.020, the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, and other office of the superintendent of public instruction committees that focus on ensuring equity in access to opportunities for all students.

(6) By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW

FIFTY SECOND DAY, MARCH 2, 2022

43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

**NEW SECTION. Sec. 11.** (1) The office of the superintendent of public instruction and the Washington professional educator standards board shall collaborate to establish credentialing requirements for interpreters as described in this section.

(2) Prior to establishing new credentialing requirements for interpreters, the office of the superintendent of public instruction and the Washington professional educator standards board must consult with the language access advisory committee established in section 10 of this act.

(3) The credentialing requirements for interpreters must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(4) Credentialing requirements for interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student's family.

(5) The office of the superintendent of public instruction and the Washington professional educator standards board must establish, and periodically update, a definition of "qualified interpreter" for purposes of this chapter and for other purposes.

(6) Once a code of professional conduct for interpreters is established, the superintendent of public instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

(7) Any activities provided by the office of the superintendent of public instruction or the professional educator standards board that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters.

(8) The electronic educator certification process must be adapted to include interpreter credentials.

**NEW SECTION. Sec. 12.** The office of the superintendent of public instruction and the Washington professional educator standards board may adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

**NEW SECTION. Sec. 13.** RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

**NEW SECTION. Sec. 14.** Sections 2 through 6 and 9 through 12 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new chapter to Title 28A RCW; creating new sections; and repealing RCW 28A.155.230."

MOTION

Senator Wellman moved that the following amendment no. 1293 by Senator Wellman be adopted:

On page 7, beginning on line 1, after "(b)" strike all material through "year" on line 14 and insert "Whether a qualified interpreter for the student's family was requested for and provided

at meetings reported in the longitudinal student data system established under RCW 28A.300.500; and

(c) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) Beginning in the 2023-24 school year, school districts must provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the interpretation and the provision of language access services."

Senators Wellman and Hawkins spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1293 by Senator Wellman on page 7, line 1 to the committee striking amendment.

The motion by Senator Wellman carried and amendment no. 1293 was adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1153.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 1153 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Trudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1153 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, Padden, Schoesler and Wilson, J.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1974, by Representatives Ybarra and Callan

Moving state board of education and educational service district elections to the Washington state school directors' association.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1974.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1974 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1706, by House Committee on Transportation (originally sponsored by Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba)

Concerning truck drivers ability to access restroom facilities.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Drayage truck operator" means the driver of any in-use on-road vehicle with a gross vehicle weight rating greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(b)(i) "Terminal operator" means the business entity operating a marine terminal for loading and unloading cargo to and from marine vessels.

(ii) "Terminal operator" includes the port if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(2) A terminal operator must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically have access to, such as inside the gate and truck queuing lots. Restrooms may include fixed bathrooms with flush toilets or portable chemical toilets. At least one restroom provided by the terminal operator must be a private space suitable for and dedicated to expressing breast milk.

(3) A terminal operator is deemed in compliance with this section if the terminal operator:

(a) Allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property in areas of the terminal that drayage truck operators typically have access to and when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area and does not violate federal terminal security requirements;

(b) When necessary, provides additional restrooms at locations where there is the most need. To determine need, the terminal operator must assess the use and accessibility of existing restrooms and conduct a survey of drayage truck operators; and

(c) Has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

(4) Restrooms for drayage truck operators must be located in areas where access would not pose an obvious health or safety risk to the drayage truck operators or other workers in the area.

(5)(a) The departments of health and labor and industries have jurisdiction to enforce this section.

(b) The department of health may issue a warning letter to the port terminal operator for a first violation of this section, informing the port terminal operator of the requirements of this section. A port terminal operator that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(c) Failure of a terminal operator to comply with this section is a violation of chapter 49.17 RCW.

(d) The departments may not take duplicate enforcement actions against an individual or business for violations arising from the same conduct."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to Substitute House Bill No. 1706.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1706 as amended by the Senate was

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1706 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1706 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1706 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2057, by House Committee on Transportation (originally sponsored by Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet)

Strengthening diversity, equity, and inclusion in the state patrol workforce.

The measure was read the second time.

#### MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) In 2021, the total Washington state patrol workforce was 84 percent white and 67 percent male, the field force workforce was 86 percent white and 86 percent male, and the managerial staff was as high as 93 percent white;

(b) A strong diversity, equity, and inclusion strategic recruitment and retention plan is necessary to:

(i) Provide the state patrol with the benefits of a diverse workforce, improving service to the public, increasing employee productivity, and providing new perspectives and innovative approaches to achieving the agency's mission of enhancing the safety and security of all people and communities; and

(ii) Fill vacancies with those who are from historically and currently marginalized communities;

(c) Public employment opportunities at the Washington state patrol should provide all commissioned and noncommissioned staff full access to the opportunities, power, and resources each needs in the staff person's career; and

(d) The transition to a culture that fosters workforce diversity, equity, and inclusion requires steadfast commitment over the long term.

(2) Therefore, the legislature intends to:

(a) Challenge the state patrol to change and adapt its culture to attract and retain a diverse workforce representative of those who have been historically and currently marginalized and is representative of the labor force as a whole;

(b) Establish effective legislative and executive oversight mechanisms to increase workforce parity by eliminating disparities in the state patrol's workforce;

(c) Increase accountability and transparency relating to the state patrol's progress in achieving equity in its workforce; and

(d) Provide technical assistance and support for the state patrol's diversity, equity, and inclusion efforts over the long term.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.06D RCW to read as follows:

(1) Consistent with its purpose of promoting access to equitable opportunities and resources to reduce disparities, the Washington state office of equity shall provide oversight for the development and ongoing implementation of the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan.

(2) To accomplish this purpose, the office of equity shall work with the department of enterprise services, which will run and oversee a competitive procurement process to select and hire an independent, expert consultant to:

(a) Collect benchmark demographic data on the composition of the current Washington state patrol workforce, including applicants in the recruitment process, people in trooper academy classes, and new hires across positions in the agency including, and not limited to, applicants referred for interview; applicants referred for hire; applicant to hire ratios; applicants referred for psychological testing; applicant pass to fail ratios; and turnover rate. In addition, this task must include comparative demographic data for other law enforcement training classes within the state;

(b) Conduct a study of the labor force available for the commissioned and noncommissioned staff of the state patrol, with a focus on the availability of black, indigenous, Latino, Asian, and other groups currently underrepresented in the state patrol workforce;

(c) Using the results of the labor force availability study and Washington state patrol recruitment and retention demographic benchmark data, establish goals for the demographic composition of the state patrol workforce and a plan for reaching the goals;

(d) Develop agency-specific process and outcome measures of performance, taking into consideration community feedback on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(e) Recommend effective agency programs and services to reduce disparities across the agency;

(f) Evaluate and report on progress in the implementation of the diversity, equity, and inclusion strategic recruitment and retention plan developed for the Washington state patrol in 2021;

(g) In coordination with the Washington state patrol, annually update the diversity, equity, and inclusion strategic recruitment and retention plan to reflect activities completed, new strategies, and next steps;

(h) Report biannually to the governor and appropriate committees of the legislature on the composition of the current Washington state patrol workforce compared to established benchmarks and goals; and

(i) Otherwise assist the office of equity in monitoring and reporting the Washington state patrol's implementation of the

diversity, equity, and inclusion strategic recruitment and retention plan.

(3) The office is directed to complete the following work in accordance with RCW 43.06D.040:

(a) Provide technical assistance to the Washington state patrol regarding best practices to effectively foster an equitable, just, diverse workforce;

(b) Publish the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan on its performance dashboard;

(c) Report the Washington state patrol's performance on the office's performance dashboard, providing for a process for the Washington state patrol to respond to the report;

(d) Establish accountability procedures for the Washington state patrol, which may include conducting performance reviews related to state patrol compliance with office performance measures consistent with RCW 43.06D.040;

(e) Report annually to the governor and appropriate committees of the legislature on the Washington state patrol's compliance with developing its diversity, equity, and inclusion strategic recruitment and retention plan in accordance with the office of equity standards and the state patrol's progress made toward performance measures in its diversity, equity, and inclusion strategic recruitment and retention plan.

(4) This section expires June 30, 2032."

On page 1, line 2 of the title, after "workforce;" strike the remainder of the title and insert "adding a new section to chapter 43.06D RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2057.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2057 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Lovick spoke in favor of passage of the bill. Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2057 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2057 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 2057 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:56 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### EVENING SESSION

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The Senate was called to order at 6:30 p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1052,  
HOUSE BILL NO. 1122,  
SUBSTITUTE HOUSE BILL NO. 1124,  
ENGROSSED HOUSE BILL NO. 1165,  
SECOND SUBSTITUTE HOUSE BILL NO. 1210,  
HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1612,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1626,  
SUBSTITUTE HOUSE BILL NO. 1649,  
HOUSE BILL NO. 1669,  
SUBSTITUTE HOUSE BILL NO. 1675,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,  
ENGROSSED HOUSE BILL NO. 1744,  
HOUSE BILL NO. 1755,  
HOUSE BILL NO. 1761,  
HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,  
SUBSTITUTE HOUSE BILL NO. 1794,  
HOUSE BILL NO. 1834,  
HOUSE BILL NO. 1874,  
HOUSE BILL NO. 1894,  
SUBSTITUTE HOUSE BILL NO. 2046,  
HOUSE BILL NO. 2061,  
SUBSTITUTE HOUSE BILL NO. 2068,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, by House Committee on State Government & Tribal Relations (originally sponsored by Valdez, Dolan and Pollet)

Concerning locations at which ballots may be cast.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

The measure was read the second time.

## MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1716.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1716 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1876, by House Committee on State Government & Tribal Relations (originally sponsored by Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet)

Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.

The measure was read the second time.

## MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** **Sec. 1.** The legislature recognizes that the people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they cast their ballots. The legislature further finds that when a ballot measure will affect funding for public investments, a neutral, nonprejudicial

disclosure of the public investments affected will provide greater transparency and necessary information for voters.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 29A.72 RCW to read as follows:

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure. The language of the disclosure is not subject to appeal.

(5) The attorney general must file the public investment impact disclosure with the secretary of state no later than five business days after July 31st.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are not considered part of the ballot title under this chapter and are not subject to any of the legal requirements for ballot titles.

**Sec. 3.** RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?

- Yes ..... 
No .....

((3)) (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

- Yes ..... 
No .....

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

- Measure No. .... 
or
Measure No. ....

((4)) (5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

- Approved ..... 
Rejected .....

((5)) (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

- Approved ..... 
Rejected .....

((6)) (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Sec. 4. RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers (~~and~~), ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
(2) Referendum measures;
(3) Referendum bills;
(4) Initiatives to the legislature;
(5) Initiatives to the legislature and legislative alternatives;
(6) Advisory votes;
(7) Proposed constitutional amendments.

Sec. 5. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than (~~the tenth day of August~~) July 31st. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management."

On page 1, line 4 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section."

MOTION

Senator Short moved that the following amendment no. 1325 by Senator Short be adopted:

On page 1, line 16, after "(1)" strike "The attorney general" and insert "A drafting committee, composed of two fiscal analysts

FIFTY SECOND DAY, MARCH 2, 2022

employed by the office of program research in the house of representatives and two fiscal analysts employed by senate committee services in the senate,"

On page 2, beginning on line 4, after "The" strike "attorney general" and insert "drafting committee"

On page 2, at the beginning of line 13, strike "attorney general" and insert "drafting committee"

On page 2, line 16, after "(5) The" strike "attorney general" and insert "drafting committee"

Senators Short and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1325 by Senator Short on page 1, line 16 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1325 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1381 by Senator Fortunato be adopted:

On page 1, line 16, after "(1) The" strike "attorney general" and insert "sponsor of a ballot measure"

On page 2, beginning on line 4, after "The" strike "attorney general" and insert "sponsor of the measure"

On page 2, at the beginning of line 13, strike "attorney general" and insert "sponsor of the measure"

On page 2, line 16, after "(5) The" strike "attorney general" and insert "sponsor of the measure"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1381 by Senator Fortunato on page 1, line 16 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1381 was not adopted by voice vote.

## MOTION

Senator Braun moved that the following amendment no. 1385 by Senator Braun be adopted:

On page 1, line 25, after "adopted" insert ", except that the description may not include any services that the state is constitutionally required to fund"

On page 2, line 4, after "words." insert "However, the list of state services funded by the general fund in the description may not include any services that the state is constitutionally required to fund."

Senators Braun, Mullet and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1385 by Senator Braun on page 1, line 25 to the committee striking amendment.

The motion by Senator Braun did not carry and amendment no. 1385 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1327 by Senator Wagoner be adopted:

On page 2, at the beginning of line 1, strike "10" and insert "21"

On page 2, line 4, after "exceed" strike "15" and insert "26"

On page 2, beginning on line 10, after "measure" strike all material through "services)" on line 11 and insert "may (increase or decrease) funding for (description of services), if the legislature takes no further action on state spending priorities"

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Frockt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1327 by Senator Wagoner on page 2, line 1 to the committee striking amendment.

The motion by Senator Wagoner did not carry and amendment no. 1327 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1335 by Senator Short be adopted:

On page 2, line 2, after "must" strike "list" and insert ": (a) List"

On page 2, line 4, after "words" insert "; and (b) include a statement of the state's estimated budget surplus, if applicable, not subject to a word limitation"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1335 by Senator Short on page 2, line 2 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1335 was not adopted by voice vote.

## MOTION

Senator Warnick moved that the following amendment no. 1380 by Senator Warnick be adopted:

On page 2, line 2, after "must" strike "list" and insert ": (a) List"

On page 2, line 4, after "words" insert "; and (b) include a description of state revenue for the previous 10 years, not subject to a word limitation"

Senators Warnick and Wilson, J. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1380 by Senator Warnick on page 2, line 2 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1380 was not adopted by voice vote.

## MOTION

Senator King moved that the following amendment no. 1326 by Senator King be adopted:

On page 2, line 8, after "(3)" insert "If transportation is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of taxes levied by the state on a gallon of gasoline, expressed as a percentage of the price. This statement is not included in, nor is subject to, any word limitations.

(4)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1326 by Senator King on page 2, line 8 to the committee striking amendment.

The motion by Senator King did not carry and amendment no. 1326 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following amendment no. 1332 by Senator Fortunato be adopted:

On page 2, line 12, after "(4)" insert "If housing or homelessness is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of funds appropriated for housing and homelessness in the omnibus operating, capital, and transportation budgets over the last three biennia. This statement is not included in, nor is subject to, any word limitations.

(5)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1332 by Senator Fortunato on page 2, line 12 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1332 was not adopted by voice vote.

## MOTION

Senator Padden moved that the following amendment no. 1346 by Senator Padden be adopted:

On page 2, line 12, after "(4)" insert "Any public investment impact disclosure must also state the following disclaimer: "This analysis was prepared by the attorney general, a partisan official, and was not allowed judicial review or appeal." This statement is not included in, nor is subject to, any word limitations.

(5)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Senators Padden, Rivers and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Frockt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1346 by Senator Padden on page 2, line 13 to the committee striking amendment.

The motion by Senator Padden did not carry and amendment no. 1346 was not adopted by voice vote.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1052,  
HOUSE BILL NO. 1122,  
SUBSTITUTE HOUSE BILL NO. 1124,  
ENGROSSED HOUSE BILL NO. 1165,  
SECOND SUBSTITUTE HOUSE BILL NO. 1210,  
HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1612,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1626,  
SUBSTITUTE HOUSE BILL NO. 1649,  
HOUSE BILL NO. 1669,  
SUBSTITUTE HOUSE BILL NO. 1675,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,  
ENGROSSED HOUSE BILL NO. 1744,  
HOUSE BILL NO. 1755,  
HOUSE BILL NO. 1761,  
HOUSE BILL NO. 1769,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,  
SUBSTITUTE HOUSE BILL NO. 1794,  
HOUSE BILL NO. 1834,  
HOUSE BILL NO. 1874,  
HOUSE BILL NO. 1894,  
SUBSTITUTE HOUSE BILL NO. 2046,  
HOUSE BILL NO. 2061,  
and SUBSTITUTE HOUSE BILL NO. 2068.

## MOTION

Senator Fortunato moved that the following amendment no. 1333 by Senator Fortunato be adopted:

On page 2, beginning on line 14, after "measure." strike "The language of the disclosure is not subject to appeal."

On page 2, line 22, after "are" strike "not"

On page 2, line 23, after "are" strike "not"

On page 2, line 23, after "subject to" strike "any of"

Senators Fortunato, Braun and Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kuderer and Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1333 by Senator Fortunato on page 2, line 14 to the committee striking amendment.

The motion by Senator Fortunato carried and amendment no. 1333 was adopted by voice vote.

## MOTION

Senator Hunt moved that the following amendment no. 1196 by Senator Hunt be adopted:

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

On page 2, line 17, after "than" strike "five business days after"

Senator Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1196 by Senator Hunt on page 2, line 17 to the committee striking amendment.

The motion by Senator Hunt carried and amendment no. 1196 was adopted by voice vote.

## MOTION

Senator Honeyford moved that the following amendment no. 1328 by Senator Honeyford be adopted:

On page 6, after line 11, insert the following:

"NEW SECTION. Sec. 6. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 6, line 15, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing for submission of this act to a vote of the people"

Senators Honeyford and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

## MOTION

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 6, after line 11 to the committee striking amendment.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Excused: Senator Robinson.

## MOTION

Senator Fortunato moved that the following amendment no. 1331 by Senator Fortunato be adopted:

On page 6, after line 11, insert the following:

"NEW SECTION. Sec. 6. This act takes effect January 1, 2023."

On page 6, line 15, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing an effective date"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1331 by Senator Fortunato on page 6, after line 11 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1331 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections as amended to Substitute House Bill No. 1876.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1876 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Kuderer and Frockt spoke in favor of passage of the bill.

Senators Sheldon, Braun, Fortunato, Sefzik, Gildon and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1876 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1876 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1876, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1953, by Representatives Valdez, Volz, Sutherland and Ramel

Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

The measure was read the second time.

### MOTION

Senator Wilson, J. moved that the following striking amendment no. 1341 by Senator Wilson, J. be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.420 and 2021 c 26 s 1 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the public and private infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets;

(5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180;

(6) Personally identifiable information of employees, and other security information, of a private cloud service provider that has entered into a criminal justice information services agreement as contemplated by the United States department of justice criminal justice information services security policy, as authorized by 28 C.F.R. Part 20; and

(7)(a) In addition to the information in subsection (4) of this section, the following related to election security:

((a)) (i) The continuity of operations plan for election operations and any security audits, security risk assessments, or security test results, relating to physical security or cybersecurity

of election operations or infrastructure. These records are exempt from disclosure in their entirety; ((and))

(ii) Those portions of records containing information about election infrastructure, election security, or potential threats to election security, the public disclosure of which may increase risk to the integrity of election operations or infrastructure; and

(iii) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and a voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms. The secretary of state, by rule, may authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms in accordance with section 2 of this act.

(b) Nothing in this section limits or otherwise restricts the access of an authorized observer or canvassing board member for the purposes of performing his or her duties.

(c) The exemptions specified in (a) of this subsection do not include information or records pertaining to security breaches, except as prohibited from disclosure pursuant to RCW 29A.12.200.

((e)) (d) The exemptions specified in (a) of this subsection do not prohibit an audit authorized or required under Title 29A RCW from being conducted.

NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04 RCW to read as follows:

(1) In accordance with RCW 42.56.420, the following are exempt from disclosure:

(a) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and

(b) A voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms.

(2) The secretary of state may, by rule, authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms. Except as provided under subsection (3) of this section, a person may not photocopy, photograph, or otherwise reproduce an image of the ballot return envelope, ballot declaration, or signature correction form. When inspecting a ballot return envelope, ballot declaration, or signature correction form in person, a person may not carry with them any materials or devices that could be used to record any voter information found on the ballot return envelope, ballot declaration, or signature correction form.

(3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents disclosure of any information on ballot return envelopes, ballot declarations, or signature correction forms, other than a voter's signature, phone numbers, and email addresses. Nothing in this section prevents election officials from disclosing information listed in subsection (1) of this section for official purposes. Nothing in this section limits or otherwise restricts the access of an authorized observer or canvassing board member for the purposes of performing his or her duties. The secretary of state may adopt rules identifying official purposes for which a voter's signature, phone numbers, and email addresses may be disclosed.

(4) For purposes of this section, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature.

NEW SECTION. **Sec. 3.** The exemptions in sections 1 and 2 of this act apply to any public records request made prior to the effective date of this section for which disclosure of records has not already been completed.

FIFTY SECOND DAY, MARCH 2, 2022

2022 REGULAR SESSION

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.56.420; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency."

Senator Wilson, J. spoke in favor of adoption of the striking amendment.

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1341 by Senator Wilson, J. to House Bill No. 1953.

The motion by Senator Wilson, J. did not carry, and striking amendment no. 1341 was not adopted by voice vote.

## MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1953.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Holy, Honeyford, McCune, Padden, Schoesler, Short, Warnick and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1613, by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1613.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1613 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Padden, Schoesler and Wilson, J.

Excused: Senator Robinson

HOUSE BILL NO. 1613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

Concerning voters' pamphlets for overseas and service voters.

The measure was read the second time.

## MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that service and overseas voters have the right to vote for their elected officials. To effectuate this right, service and overseas voters must have access to the same ballot materials as voters present in the state with sufficient time to thoughtfully consider candidates and issues before casting a ballot. Accordingly, the legislature intends to ensure that voters' pamphlets are available to service and overseas voters at the same time as the ballot.

**Sec. 2.** RCW 29A.32.260 and 2011 c 10 s 30 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. The county auditor may, at his or her discretion, send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested one.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "voters;" strike the remainder of the title and insert "amending RCW 29A.32.260; and creating new sections."

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1320 by Senator Wilson, J. be adopted:

On page 1, line 22, after "auditor" strike "may, at his or her discretion." and insert "shall either mail or"

On page 1, line 24, after "requested" strike "one" and insert "them"

Senators Wilson, J. and Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1320 by Senator Wilson, J. on page 1, line 22 to the committee striking amendment.

The motion by Senator Wilson, J. carried, and amendment no. 1320 was adopted by voice vote.

Senators Hunt and Wilson, J. spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections as amended to Engrossed Substitute House Bill No. 1357.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1357 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1642, by House Committee on College & Workforce Development (originally sponsored by Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young)

Concerning the Washington national guard postsecondary education grant program.

The measure was read the second time.

#### MOTION

On motion of Senator Nobles, the rules were suspended, Substitute House Bill No. 1642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1642.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1642 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:25 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Thursday, March 3, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia  
Thursday, March 3, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

St. Rose School students, Longview, led the Senate in the Pledge of Allegiance. Taught by Miss Brown, the first graders were guests of Senator Jeff Wilson.

The prayer was offered by Dr. Geoffrey Holtz of The Summit Evangelical Free Church, Enumclaw. Dr. Holtz was a guest of Senator Fortunato.

MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5518,  
SENATE BILL NO. 5545,  
SUBSTITUTE SENATE BILL NO. 5575,  
SENATE BILL NO. 5602,  
SENATE BILL NO. 5617,  
SUBSTITUTE SENATE BILL NO. 5631,  
SENATE BILL NO. 5676,  
ENGROSSED SENATE BILL NO. 5800,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,  
SENATE BILL NO. 5866,  
SENATE BILL NO. 5875,  
SUBSTITUTE SENATE BILL NO. 5890,  
SENATE BILL NO. 5931,  
SENATE BILL NO. 5940,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 2, 2022

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5489,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,  
SUBSTITUTE SENATE BILL NO. 5496,  
SUBSTITUTE SENATE BILL NO. 5497,  
SENATE BILL NO. 5582,  
SENATE BILL NO. 5583,  
SENATE BILL NO. 5694,  
SUBSTITUTE SENATE BILL NO. 5701,  
SENATE BILL NO. 5747,  
SENATE BILL NO. 5763,  
SUBSTITUTE SENATE BILL NO. 5821,

SUBSTITUTE SENATE BILL NO. 5860,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESHB 2124 by House Committee on Appropriations (originally sponsored by Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, Johnson, J., Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall and Rule)

AN ACT Relating to extending collective bargaining to legislative employees by creating the office of state legislative labor relations that will consider issues of the subjects of bargaining, the employees for whom collective bargaining would be appropriate, who would provide negotiation services, which entities would be considered the employer, definitions of relevant terms, coalition bargaining, grievance procedures, procedures for disciplinary actions, procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, and determining representation questions, procedures for approving negotiated collective bargaining agreements, procedures for submitting requests for funding, and considering approaches taken by other state legislatures, and specifying unfair labor practices, but without mandating what the collective bargaining agreement must provide regarding wages, hours, working conditions, or other provisions related to conditions of employment; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

MOTION

Senator Stanford moved adoption of the following resolution:

SENATE RESOLUTION  
8661

By Senator Stanford

WHEREAS, The United States, at the urging of and in support of many Christian churches of that time, adopted the Indian Civilization Fund Act on March 3, 1819, to provide financial support for church run schools to "civilize" Native American children through an education program intended to eradicate Native American culture; and

WHEREAS, In 1869, the United States, in concert with and the urging of several denominations of the Christian Church, adopted the Indian Boarding School Policy or "Peace Policy" for the removal and reprogramming of Native American children to ensure the systematic destruction of indigenous cultures and communities; and

WHEREAS, The Indian Boarding School Policy was a deliberate policy of cultural genocide, founded on the assimilationist directive to "Kill the Indian and save the man"; and

WHEREAS, Between 1869 and the 1960s, Native American children were removed from their homes and families, often involuntarily, and placed in Boarding Schools far from their homes which were funded by the federal government and operated by the federal government and churches, where children were punished for speaking their native language, banned from acting in any way that might be seen as representing traditional or cultural practices, shorn of their hair, stripped of traditional clothing and all things and behaviors reflective of their native culture, and shamed for being Native American; and

WHEREAS, The prevailing attitudes of the time allowed for the neglect and abuse of children who were overseen but not parented, who were bullied and assaulted not only by the adults but also by older children under the modeling and instruction of the caretakers and staff, and who were neglected as a whole through the denial of adequate food and medical care; and

WHEREAS, These children observed and suffered physical, emotional, cultural, spiritual, psychological, and sexual abuse, and punishment by physical restraints, beatings, and isolation in inhospitable surroundings, and many children died as a direct result of this malfeasance and mistreatment; and

WHEREAS, There were more than 350 Indian Boarding schools across the United States, located within 30 States, which included 14 Indian Boarding schools in Washington state; and

WHEREAS, These children, their children, and now their grandchildren and great-grandchildren, bear the burden of the legacy of the boarding schools and the federal policy that established and sustained those schools, where the children suffered trauma that has gone unrecognized and unresolved, and has been passed onto each subsequent generation; and

WHEREAS, This historical and inter-generational trauma continues to devastate, undermine, and negatively impact Native American individuals, families, and communities; and

WHEREAS, The United States has not offered a meaningful acknowledgment of responsibility or offered to provide any redress for the generations of harm caused by the deliberate imposition of the policy of cultural genocide on the Native American children, families, communities, tribes, Pueblos, or Alaskan Villages;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pause to acknowledge the two hundred third anniversary of the signing of the Indian Civilization Fund Act; to recognize and remember the surviving children of Indian Boarding Schools, their children, grandchildren, and great-grandchildren, and to honor their resiliency and determination to endure such atrocities.

Senators Stanford, Wellman, Braun and Salomon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

The motion by Senator Stanford carried and the resolution was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

#### MOTIONS

On motion of Senator Randall, Senators Conway and Robinson were excused.

On motion of Senator Wagoner, Senators McCune, Rivers and Sheldon were excused.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Carlyle moved that William S. Kehoe, Senate Gubernatorial Appointment No. 9316, be confirmed as a Director of the Washington Technology Solutions - Agency Head.

Senators Carlyle and Short spoke in favor of passage of the motion.

#### APPOINTMENT OF WILLIAM S. KEHOE

The President declared the question before the Senate to be the confirmation of William S. Kehoe, Senate Gubernatorial Appointment No. 9316, as a Director of the Washington Technology Solutions - Agency Head.

The Secretary called the roll on the confirmation of William S. Kehoe, Senate Gubernatorial Appointment No. 9316, as a Director of the Washington Technology Solutions - Agency Head and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

William S. Kehoe, Senate Gubernatorial Appointment No. 9316, having received the constitutional majority was declared confirmed as a Director of the Washington Technology Solutions - Agency Head.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hunt moved that Tara C. Smith, Senate Gubernatorial Appointment No. 9328, be confirmed as a Director of the Department of Enterprise Services - Agency Head.

Senator Hunt spoke in favor of the motion.

#### APPOINTMENT OF TARA C. SMITH

The President declared the question before the Senate to be the confirmation of Tara C. Smith, Senate Gubernatorial Appointment No. 9328, as a Director of the Department of Enterprise Services - Agency Head.

The Secretary called the roll on the confirmation of Tara C. Smith, Senate Gubernatorial Appointment No. 9328, as a Director of the Department of Enterprise Services - Agency Head and the appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Honeyford

Excused: Senators Conway, McCune and Robinson

Tara C. Smith, Senate Gubernatorial Appointment No. 9328, having received the constitutional majority was declared confirmed as a Director of the Department of Enterprise Services - Agency Head.

MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1725, by House Committee on Public Safety (originally sponsored by Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame)

Concerning the creation of an endangered missing person advisory designation for missing indigenous persons.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that indigenous people experience disproportionate rates of violence in Washington state. Tribes, state leaders, and grassroots activists have done substantial work to identify factors directly affecting the rates of violence and to ensure that addressing the crisis of missing and murdered indigenous people is a priority at every level. The legislature intends to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public more effectively in assisting with locating missing indigenous people, and to compensate for the unique challenges that indigenous communities face accessing media coverage and the ability to share information.

**Sec. 2.** RCW 13.60.010 and 2017 3rd sp.s. c 6 s 315 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free telephone

hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of children, youth, and families, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "amber alert plan" or an "endangered missing person advisory plan" which includes ((a)) "silver alert" ((designation)) and "missing indigenous person alert" designations for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children" means an individual under ((eighteen)) 18 years of age.

(b) "Missing endangered person" means ((a));

(i) A missing indigenous woman or indigenous person; or

(ii) A person who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance and who is:

((+)) (A) A person with a developmental disability as defined in RCW 71A.10.020(5);

((+)) (B) A vulnerable adult as defined in RCW 74.34.020; or

((+)) (C) A person who has been diagnosed as having Alzheimer's disease or other age-related dementia.

(c) "Missing indigenous person alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

(d) "Silver alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing endangered person age ((sixty)) 60 or older."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 13.60.010; and creating a new section."

PARLIAMENTARY INQUIRY

Senator Short: "Thank you Mr. President. This is a consent calendar, and my understanding is the bill would need to be moved off of consent and moved to second reading for the purposes of amendment."

REPLY BY THE PRESIDENT

President Heck: "It's a committee amendment."

Senator Short: "Oh, okay, I apologize. Wow. Way to go, yeah."

Senators Dhingra and Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1725.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1725 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1725 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1725 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SUBSTITUTE HOUSE BILL NO. 1725 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Heck: "The president would like to take just a very brief moment here and inform the body that immediately prior to convening this morning, there were technological issues which were resolved in a timely fashion. It is a good reminder that this hybrid operating partially by remote legislative session has gone off almost without glitch. And it is due entirely to the incredibly smart, hardworking staff at LEG-TECH for whom we should all be grateful, and to whom we should express our gratitude. [applause] They hate that."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1747, by House Committee on Children, Youth & Families (originally sponsored by Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame)

Supporting relative placements in child welfare proceedings.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 1747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Gildon and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1747.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SUBSTITUTE HOUSE BILL NO. 1747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

Prior to taking up Second Substitute, House Bill No. 1751, "Sam's Bill", the President welcomed and introduced the parents of Mr. Sam Martinez, his mother, Ms. Jolayne Houtz, and father, Mr. Hector Martinez, who were observing the day's proceedings.

The Senate rose and recognized Ms. Houtz and Mr. Martinez who were present in the gallery.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1751, by House Committee on Appropriations (originally sponsored by Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet)

Concerning hazing prevention and reduction at institutions of higher education.

The measure was read the second time.

#### MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.900 and 1993 c 514 s 1 are each amended to read as follows:

As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any (~~method of~~) act committed as part of a person's recruitment, initiation (~~into~~), pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

is likely to cause, bodily danger or physical harm, or serious ~~(mental)~~ psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each public and private institution of higher education shall prohibit in its code of conduct hazing off campus as well as on campus.

(2) Beginning with the 2022 fall term, each public and private institution of higher education shall provide students with an educational program on hazing and the dangers of and prohibition on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution must incorporate the educational program as part of new student orientation sessions. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers to view.

(3) Institutional materials on student rights and responsibilities given to student organizations, athletic teams, or living groups, either electronically or in hard copy form, shall include a statement on the institution's antihazing policy and on the dangers of hazing.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

Each public institution of higher education shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members including a designated chair appointed by the president of the institution. Fifty percent of the committee positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team, or living group that was affiliated with a finding of a hazing violation within the last twelve months may not participate in or be a member of the hazing prevention committee.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning with the 2022-23 academic year, each public and private institution of higher education shall maintain and publicly report actual findings of violations by any student organization, athletic team, or living group of the public or private institution of higher education's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

(2) The report shall include the following:

(a) The name of the student organization, athletic team, or living group;

(b) The date the investigation was initiated;

(c) The date on which the investigation ended with a finding that a violation occurred;

(d) A description of the incident or incidents, including the date of the initial violation, and the violations, findings, and sanctions placed on the student organization, athletic team, or living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

(3) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

(4) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing, or act of hazing reported.

(5) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

(6) As used in this section, "employee" means a person who is receiving wages from the institution of higher education and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Social fraternity and sorority organizations shall notify the public or private institution of higher education before chartering,

rechartering, opening, or reopening a local chapter or operating at the public or private institution of higher education.

(2) Social fraternity and sorority organizations shall notify the public or private institution of higher education when the organization instigates an investigation of a local chapter at the public or private institution of higher education for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such investigation and a copy of the full findings report to the public or private institution of higher education's student conduct office.

(3) Beginning in the 2022 fall academic term, any local social fraternity or sorority chapter seeking to obtain or maintain registration with any public or private institution of higher education in the state must certify in writing and provide weblinks to that institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of antihazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault, or physical assault, or the institution's code of conduct against the local chapter.

(4) Failure of a social fraternity or sorority organization to comply with subsections (1) through (3) of this section shall result in automatic loss of recognition until such time that the organization comes into compliance with those subsections.

NEW SECTION. **Sec. 7.** This act may be known and cited as the Sam's law act.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating new sections."

Senator Wellman spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1751.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, Second Substitute House Bill No. 1751 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1751 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1751 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa,

Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1751 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1752, by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

Adding a Roth option to deferred compensation plans.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1752 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1752.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1752 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

ENGROSSED HOUSE BILL NO. 1752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1980, by House Committee on Appropriations (originally sponsored by Taylor, Calder, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp)

Removing the prohibition on providing employment services and community access services concurrently.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 1980 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1980.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1980 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SUBSTITUTE HOUSE BILL NO. 1980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1984, by House Committee on Transportation (originally sponsored by Jacobsen and Graham)

Protecting privacy of addresses related to vehicle registration certificates.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, King and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1984.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1984 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden,

Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SUBSTITUTE HOUSE BILL NO. 1984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2074, by Representative Wylie

Concerning fees collected from out-of-state residents who register off-road vehicles in Washington.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, King and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2074.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2074 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

HOUSE BILL NO. 2074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1717, by House Committee on Local Government (originally sponsored by Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young)

Concerning tribal participation in planning under the growth management act.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1717.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SUBSTITUTE HOUSE BILL NO. 1717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1888, by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young

Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels.

The measure was read the second time.

#### MOTION

On motion of Senator Nguyen, the rules were suspended, House Bill No. 1888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1888.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1888 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon,

Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Conway, McCune and Robinson

HOUSE BILL NO. 1888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1890, by House Committee on Appropriations (originally sponsored by Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet)

Concerning the children and youth behavioral health work group.

The measure was read the second time.

#### MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.4951 and 2020 c 130 s 1 are each amended to read as follows:

(1) The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing behavioral health services for children and their families, and to advise the legislature on statewide behavioral health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint the following members:

(i) One representative of behavioral health administrative services organizations;

(ii) One representative of community mental health agencies;

(iii) ~~(One representative)~~ Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(iv) One regional provider of co-occurring disorder services;

(v) One pediatrician or primary care provider;

(vi) One provider specializing in infant or early childhood mental health;

(vii) One representative who advocates for behavioral health issues on behalf of children and youth;

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

- (viii) One representative of early learning and child care providers;
  - (ix) One representative of the evidence-based practice institute;
  - (x) Two parents or caregivers of children who have received behavioral health services, one of which must have a child under the age of six;
  - (xi) One representative of an education or teaching institution that provides training for mental health professionals;
  - (xii) One foster parent;
  - (xiii) One representative of providers of culturally and linguistically appropriate health services to traditionally underserved communities;
  - (xiv) One pediatrician located east of the crest of the Cascade mountains;
  - (xv) One child psychiatrist;
  - (xvi) One representative of an organization representing the interests of individuals with developmental disabilities;
  - (xvii) Two youth representatives who have received behavioral health services;
  - (xviii) One representative of a private insurance organization;
  - (xix) One representative from the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement; and
  - (xx) One substance use disorder professional.
- (e) The governor shall request participation by a representative of tribal governments.
- (f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.
- (g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.
- (h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than ~~((four))~~ six, meetings of the work group each year.
- (i) The cochairs may invite additional members of the house of representatives and the senate to participate in work group activities, including as leaders of advisory groups to the work group. These legislators are not required to be formally appointed members of the work group in order to participate in or lead advisory groups.
- (3) The work group shall:
- (a) Monitor the implementation of enacted legislation, programs, and policies related to children and youth behavioral health, including provider payment for mood, anxiety, and substance use disorder prevention, screening, diagnosis, and treatment for children and young mothers; consultation services for child care providers caring for children with symptoms of trauma; home visiting services; and streamlining agency rules for providers of behavioral health services;
  - (b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems;
  - (c) Identify opportunities to remove barriers to treatment and strengthen behavioral health service delivery for children and youth;
  - (d) Determine the strategies and resources needed to:
    - (i) Improve inpatient and outpatient access to behavioral health services;
    - (ii) Support the unique needs of young children prenatally through age five, including promoting health and social and emotional development in the context of children's family, community, and culture; and

- (iii) Develop and sustain system improvements to support the behavioral health needs of children and youth; and
  - (e) Consider issues and recommendations put forward by the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement.
- (4) At the direction of the cochairs, the work group may convene advisory groups to evaluate specific issues and report related findings and recommendations to the full work group.
- (5) The work group shall convene an advisory group focused on school-based behavioral health and suicide prevention. The advisory group shall advise the full work group on creating and maintaining an integrated system of care through a tiered support framework for kindergarten through twelfth grade school systems defined by the office of the superintendent of public instruction and behavioral health care systems that can rapidly identify students in need of care and effectively link these students to appropriate services, provide age-appropriate education on behavioral health and other universal supports for social-emotional wellness for all students, and improve both education and behavioral health outcomes for students. The work group cochairs may invite nonwork group members to participate as advisory group members.
- (6)(a) Subject to the availability of amounts appropriated for this specific purpose, the work group shall convene an advisory group for the purpose of developing a draft strategic plan that describes:
- (i) The current landscape of behavioral health services available to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth in Washington state, including a description of:
    - (A) The gaps and barriers in receiving or accessing behavioral health services, including services for co-occurring behavioral health disorders or other conditions;
    - (B) Access to high quality, equitable care and supports in behavioral health education and promotion, prevention, intervention, treatment, recovery, and ongoing well-being supports;
    - (C) The current supports and services that address emerging behavioral health issues before a diagnosis and more intensive services or clinical treatment is needed; and
    - (D) The current behavioral health care oversight and management of services and systems;
    - (ii) The vision for the behavioral health service delivery system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth, including:
      - (A) A complete continuum of services from education, promotion, prevention, early intervention through crisis response, intensive treatment, postintervention, and recovery, as well as supports that sustain wellness in the behavioral health spectrum;
      - (B) How access can be provided to high quality, equitable care and supports in behavioral health education, promotion, prevention, intervention, recovery, and ongoing well-being when and where needed;
      - (C) How the children and youth behavioral health system must successfully pair with the 988 behavioral health crisis response described under chapter 82.86 RCW;
      - (D) The incremental steps needed to achieve the vision for the behavioral health service delivery system based on the current gaps and barriers for accessing behavioral health services, with estimated dates for these steps; and
      - (E) The oversight and management needed to ensure effective behavioral health care; and

(iii) A comparison of the current behavioral health system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth that is primarily based on crisis response and inadequate capacity with the behavioral health system vision created by the strategic planning process through a cost-benefit analysis.

(b) The work group cochairs may invite nonwork group members to participate as advisory group members, but the strategic plan advisory group shall include, at a minimum:

(i) Community members with lived experience including those with cultural, linguistic, and ethnic diversity, as well as those having diverse experience with behavioral health care invited by the work group cochairs;

(ii) A representative from the department of children, youth, and families;

(iii) A representative from the department;

(iv) A representative from the authority;

(v) A representative from the department of health;

(vi) A representative from the office of homeless youth prevention and protection programs;

(vii) A representative from the office of the governor;

(viii) A representative from the developmental disability administration of the department of social and health services;

(ix) A representative from the office of the superintendent of public instruction;

(x) A representative from the office of the insurance commissioner;

(xi) A tribal representative;

(xii) Two legislative members or alternates from the work group; and

(xiii) Individuals invited by the work group cochairs with relevant subject matter expertise.

(c) The health care authority shall conduct competitive procurements as necessary in accordance with chapter 39.26 RCW to select a third-party facilitator to facilitate the strategic plan advisory group.

(d) To assist the strategic plan advisory group in its work, the authority, in consultation with the cochairs of the work group, shall select an entity to conduct the activities set forth in this subsection. The health care authority may contract directly with a public agency as defined under RCW 39.34.020 through an interagency agreement. If the health care authority determines, in consultation with the cochairs of the work group, that a public agency is not appropriate for conducting these analyses, the health care authority may select another entity through competitive procurements as necessary in accordance with chapter 39.26 RCW. The activities that entities selected under this subsection must complete include:

(i) Following a statewide stakeholder engagement process, a behavioral health landscape analysis for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth outlining:

(A) The current service continuum including the cost of care, delivery service models, and state oversight for behavioral health services covered by medicaid and private insurance;

(B) Current gaps in the service continuum, areas without access to services, workforce demand, and capacity shortages;

(C) Barriers to accessing preventative services and necessary care including inequities in service access, affordability, cultural responsiveness, linguistic responsiveness, gender responsiveness, and developmentally appropriate service availability; and

(D) Incorporated information provided by the 988 crisis hotline crisis response improvement strategy committee as required under RCW 71.24.893;

(ii) A gap analysis estimating the prevalence of needs for Washington state behavioral health services for families in the

perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth served by medicaid or private insurance, including:

(A) The estimated number of families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth who need clinical behavioral health services or could benefit from preventive or early intervention services on an annual basis;

(B) The estimated number of expectant parents and caregivers in need of behavioral health services;

(C) A collection and analysis of disaggregated data to better understand regional, economic, linguistic, gender, and racial gaps in access to behavioral health services;

(D) The estimated costs of providing services that include a range of behavioral health supports that will meet the projected needs of the population; and

(E) Recommendations on the distribution of resources to deliver needed services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings; and

(iii) An analysis of peer-reviewed publications, evidence-based practices, and other existing practices and guidelines with preferred outcomes regarding the delivery of behavioral health services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings including:

(A) Approaches to increasing access and quality of care for underserved populations;

(B) Approaches to providing developmentally appropriate care;

(C) The integration of culturally responsive care with effective clinical care practices and guidelines;

(D) Strategies to maximize federal reinvestment and resources from any alternative funding sources; and

(E) Workforce development strategies that ensure a sustained, representative, and diverse workforce.

(e) The strategic plan advisory group shall prioritize its work as follows:

(i) Hold its first meeting by September 1, 2022;

(ii) Select third-party entities described under (d) of this subsection by December 31, 2022;

(iii) Provide a progress report on the development of the strategic plan, including a timeline of future strategic plan development steps, to be included in the work group's 2022 annual report required under subsection (10) of this section;

(iv) Provide a progress report on the development of the strategic plan, including discussion of the work group recommendations that align with the strategic plan development thus far, to be included in the work group's 2023 annual report required under subsection (10) of this section;

(v) Provide a draft strategic plan, along with any materials produced by entities selected under (d) of this subsection, to the work group by October 1, 2024. The draft strategic plan must include an incremental action plan outlining the action steps needed to achieve the vision provided by the draft strategic plan, clear prioritization criteria, and a transparent evaluation plan. The action plan may include further research questions, a proposed budget to continue the strategic planning work or implementation process, and a process for reviewing and updating the strategic plan.

(f) The work group shall discuss the draft strategic plan and action plan after they are submitted and adopt a final strategic plan that must be submitted to the governor and the appropriate committees of the legislature at the same time as the work group's 2024 annual report required under subsection (10) of this section.

FIFTY THIRD DAY, MARCH 3, 2022

(7)(a) Staff support for the work group, including administration of work group meetings and preparation of full work group recommendations and reports required under this section, must be provided by the health care authority.

(b) Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(c) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must provide staff support to the school-based behavioral health and suicide prevention advisory group, including administration of advisory group meetings and the preparation and delivery of advisory group recommendations to the full work group.

~~((7))~~ (8)(a) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. ~~((Any))~~ Except as provided under (b) of this subsection, any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. ~~((Advisory group members who are not members of the work group are not entitled to reimbursement.~~

~~(8) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020.)~~

(b) Members of the children and youth behavioral health work group or an advisory group established under this section with lived experience may receive a stipend of up to \$200 per day if:

(i) The member participates in the meeting virtually or in person, even if only participating for one meeting and not on an ongoing basis; and

(ii) The member does not receive compensation, including paid leave, from the member's employer or contractor for participation in the meeting.

(9) The following definitions apply to this section:

(a) "A member with lived experience" means an individual who has received behavioral health services or whose family member has received behavioral health services; and

(b) "Families in the perinatal phase" means families during the time from pregnancy through one year after birth.

(10) Beginning November 1, 2020, and annually thereafter, the work group shall provide recommendations in alignment with subsection (3) of this section to the governor and the legislature. Beginning November 1, 2025, the work group shall include in its annual report a discussion of how the work group's recommendations align with the final strategic plan described under subsection (6) of this section.

~~((9))~~ (11) This section expires December 30, 2026.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care to Second Substitute House Bill No. 1890.

The motion by Senator Frockt carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Frockt, the rules were suspended, Second Substitute House Bill No. 1890 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1890 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1890 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Conway, McCune and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1890 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley)

Modernizing the energy facility site evaluation council to meet the state's clean energy goals.

The measure was read the second time.

## MOTION

Senator Carlyle moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.010 and 2001 c 214 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires ~~((the development of))~~ a procedure for the selection and ~~((utilization))~~ use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact

upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods~~((s))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. In addition, it is the intent of the legislature to streamline application review for energy facilities to meet the state's energy goals and to authorize applications for review of certain clean energy product manufacturing facilities to be considered under the provisions of this chapter.

Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; ~~((and))~~ to pursue beneficial changes in the environment; and to promote environmental justice for overburdened communities.

(3) To encourage the development and integration of clean energy sources.

(4) To provide abundant clean energy at reasonable cost.

~~((4))~~ (5) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

~~((5))~~ (6) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay while also encouraging meaningful public comment and participation in energy facility decisions.

**Sec. 2.** RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((or))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical

preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million

FIFTY THIRD DAY, MARCH 3, 2022

standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities(~~and~~

~~(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel)).~~

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~(transmission)~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for (~~(all transmission facilities)~~) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal (~~(power)~~) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to

chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25)(a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Green hydrogen carrier" means a chemical compound, created using electricity or renewable resources as energy input and without use of fossil fuel as a feedstock, from renewable hydrogen or green electrolytic hydrogen for the purposes of transportation, storage, and dispensing of hydrogen.

(27) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

(28) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

(29) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(30) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity; or (b) stores renewable hydrogen, green electrolytic hydrogen, or a green hydrogen carrier for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) (~~(There is created and established the)~~) The energy facility site evaluation council is created and established.

(2)(~~(a)~~) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with

RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.))~~

(3)(a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:~~

- ~~(i) Department of ecology;~~
- ~~(ii) Department of fish and wildlife;~~
- ~~(iii) Department of commerce;~~
- ~~(iv) Utilities and transportation commission; and~~
- ~~(v) Department of natural resources))~~ chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

~~((c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other

FIFTY THIRD DAY, MARCH 3, 2022

state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

**Sec. 6.** RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~ (a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ((after July 15, 1977,)) without first obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~(3))~~ (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:

(i) Facilities that produce refined biofuel, but which are not capable of producing 25,000 barrels or more per day;

(ii) Alternative energy resource facilities;

(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 115,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;

(iv) Clean energy product manufacturing facilities; and

(v) Storage facilities.

(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.

(2)(a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when((:

~~(i) The))~~ the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045((:

~~(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3)).~~

(b) For the purposes of this subsection, ~~(("modify"))~~ "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

~~((4))~~ (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).

~~((5))~~ (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ~~((80.50.190 and))~~ 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((6))~~ (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review

process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

**Sec. 8.** RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council ~~((and the utilities and transportation commission))~~ in processing an application.

(a) Each applicant shall, at the time of application submission, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed ~~((the commission, on behalf of))~~ the council~~((;))~~ for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council~~((; after consultation with the utilities and transportation commission,))~~ shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council~~((;))~~ for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The ~~((utilities and transportation commission, on behalf of the))~~ council~~((;))~~ shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant shall pay the ~~((utilities and transportation commission))~~ council the amount of the invoice by the due date.

(2) Each certificate holder shall pay ~~((to the utilities and transportation commission))~~ the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit

if the certificate holder ceases operations and has not reimbursed ~~((the commission, on behalf of))~~ the council~~((;))~~ for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council~~((;))~~ for actual expenditures that arise in administering this chapter and determining compliance. The council~~((; after consultation with the utilities and transportation commission,))~~ shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay ~~((the utilities and transportation commission))~~ the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5)(a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

- (i) A description of the proposed energy plant or alternative energy resource;
- (ii) The location of the site;
- (iii) The placement of the energy plant or alternative energy resource on the site;
- (iv) The date and time by which comments must be received by the council; and
- (v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

**Sec. 9.** RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances ~~((If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site))~~ on the date of the application.

(3)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that were the basis of the director's anticipated determination of significance. The director shall make the threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of significance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

~~((3))~~ (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

~~((4))~~ (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

**Sec. 10.** RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1)(a) The council shall report to the governor its recommendations as to the approval or rejection of an application

for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating [generation]))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter ~~((;))~~ including, but not limited to, conditions to protect state ~~((or))~~ local governmental, or community interests, or overburdened communities as defined in RCW 70A.02.010 affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3)(a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

**Sec. 11.** RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

~~((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant. PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.)~~

(a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within ~~((sixty))~~ 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if

FIFTY THIRD DAY, MARCH 3, 2022

the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~account~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition

propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~eighty~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 17.** A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the

director of financial management shall decide as to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

**Sec. 18.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of ~~((an energy facility or an alternative energy resource))~~ any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed ~~((energy))~~ facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

**NEW SECTION. Sec. 19.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of

people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in

FIFTY THIRD DAY, MARCH 3, 2022

rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

**Sec. 20.** RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~(and)~~, energy conservation, and energy resilience.

**Sec. 21.** RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint committee on energy supply ~~(and)~~, energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

**NEW SECTION. Sec. 22.** (1)(a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and watershed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(2) The committee must hold at least four meetings, at least two of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2024.

**NEW SECTION. Sec. 23.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 24.** This act takes effect June 30, 2022.

**NEW SECTION. Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex.s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

On page 1, line 2 of the title, after "goals;" strike the remainder of the title and insert "amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, 80.50.340, 80.50.075, 44.39.010, and 44.39.012; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; creating new sections; repealing RCW 80.50.190 and 80.50.904; providing an effective date; and providing an expiration date."

## MOTION

Senator Warnick moved that the following amendment no. 1339 by Senator Warnick be adopted:

On page 14, line 26, after "(1)" strike "A" and insert "Except as provided in subsection (3) of this section, a"

On page 14, line 29, after "(2)" strike "All" and insert "Except as provided in subsection (3) of this section, all"

On page 14, after line 32, insert the following:

"(3) A clean energy product manufacturing facility must be located in an area zoned for industrial use to be eligible for certification under this chapter."

Senators Warnick and Dozier spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1339 by Senator Warnick on page 14, line 26 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1339 was not adopted by voice vote.

## MOTION

Senator Warnick moved that the following amendment no. 1340 by Senator Warnick be adopted:

On page 18, at the beginning of line 28, strike "a"

Beginning on page 18, line 30, after "certification" strike all material through "preempted" on page 19, line 2

Senator Warnick spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1340 by Senator Warnick on page 18, line 28 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1340 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1337 by Senator Warnick be adopted:

On page 19, beginning on line 2, after "preempted" strike all material through "governor" on line 6

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 28, beginning on line 3, strike section 18

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 32, line 21, after "15;" strike "and"

On page 32, line 22, after "s 6" insert ";" and

(3) RCW 80.50.075 (Expedited processing of applications) and 2006 c 205 s 2, 1989 c 175 s 172, & 1977 ex.s. c 371 s 17"

On page 32, at the beginning of line 26, strike "80.50.075,"

Senators Warnick, Dozier, Short, Padden and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1337 by Senator Warnick on page 19, line 2 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1337 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1338 by Senator Warnick be adopted:

On page 20, line 3, after "(3)(a)" insert "After the council submits a draft certification agreement, a local government that is aggrieved by the council's decision may appeal the council's decision to the growth management hearings board. The growth management hearings board's review under this subsection is limited to whether the draft certification agreement would authorize construction of a project under RCW 80.50.060 that is not consistent with chapter 36.70A RCW or a local government's comprehensive plan or development regulations adopted pursuant to chapter 36.70A RCW.

(b) If a local government appeals the council's decision to the growth management hearings board under (a) of this subsection, the governor may not approve the application or execute the draft certification agreement until issuance of a final order from the growth management hearings board.

(4)(a)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 32, after line 12, insert the following:

"Sec. 23. RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58

RCW as it relates to the adoption of shoreline master programs or amendments thereto, (~~(¶)~~) chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW, or the requirements of this chapter as they relate to certification agreements where an appeal to the growth management hearings board is authorized under RCW 80.50.100. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the (~~twenty-year~~) 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within (~~(sixty)~~) 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 32, line 27, after "80.50.090," strike "and 43.79A.040" and insert "43.79A.040, and 36.70A.280"

Senators Warnick, Wagoner, Dozier and Muzzall spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Carlyle spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1338 by Senator Warnick on page 20, line 3 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1338 was not adopted by voice vote.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Second Substitute House Bill No. 1812.

The motion by Senator Carlyle carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute House Bill No. 1812 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Sheldon spoke in favor of passage of the bill.

Senators Short, Schoesler, Warnick, King, Dozier and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1812 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rolfes, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1728, by House Committee on Appropriations (originally sponsored by Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt)

Reauthorizing and amending dates for the total cost of insulin work group.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.14.160 and 2020 c 346 s 2 are each amended to read as follows:

(1) The total cost of insulin work group is established. The work group membership must consist of the insurance commissioner or designee and the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing independent pharmacies;

~~(d) ((A representative from an association representing chain pharmacies;~~

~~(e) A representative from each health carrier offering at least one health plan in a commercial market in the state;~~

~~(f) A representative from each health carrier offering at least one health plan to state or public school employees in the state;~~

~~(g)) A representative from an association representing health carriers;~~

~~((H)) (e) A representative from the public employees' benefits board or the school employees' benefits board;~~

~~((I)) (f) A representative from the health care authority;~~

~~((J)) (g) A representative from ((a)) an association representing pharmacy benefit ((manager that contracts with state purchasers)) managers;~~

~~((K)) (h) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;~~

~~((L)) (i) A representative from a state agency that purchases health care services and drugs for a selected population;~~

~~((M)) (j) A representative from the attorney general's office with expertise in prescription drug purchasing; ((and))~~

~~((N)) (k) A representative from an organization representing diabetes patients who is living with diabetes; and~~

~~(l) Four members of the public living with diabetes.~~

(2) The work group must review and design strategies to ~~((reduce));~~

(a) Reduce the cost of and total expenditures on insulin in this state. Strategies the work group must consider include, but are not limited to, a state agency becoming a licensed drug wholesaler, a state agency becoming a registered pharmacy benefit manager, and a state agency purchasing prescription drugs on behalf of the state directly from other states or in coordination with other states; and

(b) Provide a once yearly 30-day supply of insulin to individuals on an emergency basis. The strategies identified by the work group shall include recommendations on eligibility criteria, patient access, program monitoring, and pharmacy reimbursement, if applicable.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, ~~((2020))~~ 2022, the work group must submit a preliminary report detailing strategies to reduce the cost of and total expenditures on insulin for patients, health carriers, payers, and the state. The work group must submit a final report by July 1, ~~((2021))~~ 2023, to the governor and the legislature. The final report must include any statutory changes necessary to implement the strategies.

(5) This section expires December 1, ~~((2022))~~ 2024.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 70.14.160; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 1728.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1728 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Muzzall spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Hasegawa was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1728 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1728 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1728 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1784, by Representative Thai

Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed House Bill No. 1784 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1784.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1784 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Hasegawa

ENGROSSED HOUSE BILL NO. 1784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:17 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 2:00 o'clock p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Nguyen moved that Shaunie J. Wheeler-James, Senate Gubernatorial Appointment No. 9370, be confirmed as a member of the Renton Technical College Board of Trustees. Senators Nguyen and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF SHAUNIE J. WHEELER-JAMES

The President declared the question before the Senate to be the confirmation of Shaunie J. Wheeler-James, Senate Gubernatorial Appointment No. 9370, as a member of the Renton Technical College Board of Trustees.

The Secretary called the roll on the confirmation of Shaunie J. Wheeler-James, Senate Gubernatorial Appointment No. 9370, as a member of the Renton Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau,

FIFTY THIRD DAY, MARCH 3, 2022

Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Robinson and Saldaña

Shaunie J. Wheeler-James, Senate gubernatorial appointment No. 9370, having received the constitutional majority was declared confirmed as a member of the Renton Technical College Board of Trustees.

## MOTION

On motion of Senator Randall, Senator Robinson was excused.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Holy moved that Neil A. McClure, Senate gubernatorial appointment No. 9020, be confirmed as a member of the Yakima Valley Community College Board of Trustees.

Senators Holy and King spoke in favor of passage of the motion.

## APPOINTMENT OF NEIL A. MCCLURE

The President declared the question before the Senate to be the confirmation of Neil A. McClure, Senate gubernatorial appointment No. 9020, as a member of the Yakima Valley Community College Board of Trustees.

The Secretary called the roll on the confirmation of Neil A. McClure, Senate gubernatorial appointment No. 9020, as a member of the Yakima Valley Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

Neil A. McClure, Senate gubernatorial appointment No. 9020, having received the constitutional majority was declared confirmed as a member of the Yakima Valley Community College Board of Trustees.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5518,  
SENATE BILL NO. 5545,  
SUBSTITUTE SENATE BILL NO. 5575,  
SENATE BILL NO. 5602,  
SENATE BILL NO. 5617,  
SUBSTITUTE SENATE BILL NO. 5631,  
SENATE BILL NO. 5676,  
ENGROSSED SENATE BILL NO. 5800,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,

2022 REGULAR SESSION

SENATE BILL NO. 5866,

SENATE BILL NO. 5875,

SUBSTITUTE SENATE BILL NO. 5890,

SENATE BILL NO. 5931,

and SENATE BILL NO. 5940.

## MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, by House Committee on Appropriations (originally sponsored by Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba)

Concerning financial responsibility requirements related to oil spills.

The measure was read the second time.

## MOTION

Senator Short moved that the following amendment no. 1330 by Senator Short be adopted:

On page 9, line 8, after "exceed" strike "five" and insert "15"

On page 9, line 18, after "exceed" strike "15" and insert "25"

On page 10, line 4, after "certificate." insert "It is in the interest of the state to issue and manage certificates of financial responsibility in a manner that does not create or contribute to delays in commerce for vessels and facilities subject to the requirements of this chapter. The department is directed to adopt rules to implement this chapter accordingly."

The President declared the question before the Senate to be the adoption of amendment no. 1330 by Senator Short on page 9, line 8 to Engrossed Second Substitute House Bill No. 1691.

The motion by Senator Short carried and amendment no. 1330 was adopted by voice vote.

## MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute House Bill No. 1691 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Short and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1691 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley)

Concerning organic materials management.

The measure was read the second time.

## MOTION

Senator Das moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

## PART 1

### State Targets and Organic Material Waste Collection Requirements

**NEW SECTION. Sec. 101.** A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of 2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

**NEW SECTION. Sec. 102.** A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

FIFTY THIRD DAY, MARCH 3, 2022

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

**Sec. 103.** RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and plan for the following handling methods or services:

- (a) Source separation of recyclable materials and products, organic materials, and wastes by generators;
- (b) Collection of source separated materials;
- (c) Handling and proper preparation of materials for reuse or recycling;
- (d) Handling and proper preparation of organic materials for ~~((composting or anaerobic digestion))~~ organic materials management; and
- (e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

- (a) Construction and demolition waste for recycling or reuse;
- (b) Organic material including yard debris, food waste, and food contaminated paper products for ~~((composting or anaerobic digestion))~~ organic materials management;
- (c) Recoverable paper products for recycling;
- (d) Metals, glass, and plastics for recycling; and
- (e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after July 1, 2024, each local comprehensive solid waste management plan must consider the transition to the requirements of section 102 of this act, and each comprehensive solid waste management plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under chapter 70A.02 RCW. Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and

(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive solid waste management plan must be consistent with the requirements of section 102 of this act.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

~~((6))~~ (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

**NEW SECTION. Sec. 104.** (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

- (a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;
- (b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid

waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

- (i) Reduce the quantity of organic waste to landfills;
- (ii) Manage products through product stewardship or extended producer responsibility programs;
- (iii) Improve or install new or updated methane capture systems;
- (iv) Increase postconsumer content requirements for materials collected in solid waste programs; and
- (v) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

- (a) The level of service provided by local government;
- (b) Costs to the local government;
- (c) Existing revenue levels; and
- (d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

**Sec. 105.** RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~(As used in this chapter, unless the context indicates otherwise.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- (4) "Department" means the department of ecology.
- (5) "Director" means the director of the department of ecology.
- (6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- (10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.
- (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (13) "Local government" means a city, town, or county.
- (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.
- (15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29)(a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

## PART 2

### Requirements for Organics Management by Businesses

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must

arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; and

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

### PART 3

#### Updates to the Washington Good Samaritan Act

**Sec. 301.** RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~(As used in this section:)~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household

cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(g) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

(h) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(i) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(j) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(k) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(l)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this subsection does not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ~~((quality and))~~ safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

#### PART 4

##### Washington Center for Sustainable Food Management

NEW SECTION. Sec. 401. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

(2) "Department" means the department of ecology.

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. Sec. 402. (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(l) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. Sec. 403. A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.

(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

**Sec. 404.** RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

**NEW SECTION. Sec. 405.** (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

**NEW SECTION. Sec. 406.** A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

#### PART 5

##### Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management

**Sec. 501.** RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than ~~((fifteen))~~ 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than ~~((twenty))~~ 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~((and))~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed ~~((twenty-five))~~ 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

**NEW SECTION. Sec. 502.** A new section is added to chapter 15.04 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of expanding or furthering the strategies promoted in the program.

**Sec. 503.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

#### PART 6

##### Organic Materials Management Facility Siting

**Sec. 601.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

**NEW SECTION. Sec. 602.** A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

**NEW SECTION. Sec. 603.** A new section is added to chapter 35.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic

materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

**NEW SECTION. Sec. 604.** A new section is added to chapter 35A.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

#### PART 7

##### Organic Materials Procurement

**NEW SECTION. Sec. 701.** A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality

FIFTY THIRD DAY, MARCH 3, 2022

standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

**Sec. 702.** RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

**NEW SECTION. Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent economically feasible to meet the requirements established in RCW 43.19A.120.

## PART 8

### Product Degradability Labeling

**Sec. 801.** RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being

"compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the ~~((state's attorney general and local governments))~~ department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

**Sec. 802.** RCW 70A.455.020 and 2019 c 265 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ~~((ninety))~~ 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" ~~((means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use))~~ has the same meaning as defined in RCW 70A.245.010.

(6) ~~((("Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~((7))~~ "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((8))~~ (7) "Plastic food packaging and food service products" means food packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 – standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 – standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11)(a))~~ "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.

~~(b)~~ "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.

~~(12))~~ (10) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

**Sec. 803.** RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1)~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this)~~ subsection (1)(a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~((and~~

~~((C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

**Sec. 804.** RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable" on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

**Sec. 805.** RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other

FIFTY THIRD DAY, MARCH 3, 2022

plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities; and

(d) Be at least partially colored or partially tinted green, beige, or brown, or have a green, beige, or brown stripe or band at least .25 inches wide.

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4)) It is encouraged that each product described in subsection (1) of this section((:~~

~~(a) Display)) display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification((; ~~or~~~~

~~(b) Be tinted green or brown)).~~

~~((5)) (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, beige, or brown tint of the product.~~

~~((6)) (5) A ((manufacturer or supplier)) producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.~~

**Sec. 806.** RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ((manufacturer or supplier of film products or food service products)) producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ((and 70A.455.060)) is:

((4)) (a) Prohibited from using tinting, color schemes, labeling, ((and) or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ((and 70A.455.060));

((2)) (b) Discouraged from using ((coloration,)) labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ((bags and food service packaging)) products are compostable; and

((3)) (c) Encouraged to use ((coloration,)) labeling, images, and terms to help consumers identify noncompostable bags ((and food service packaging)) as either: ((a)) (i) Suitable for recycling; or ((b)) (ii) necessary to dispose as waste.

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in

Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

**Sec. 807.** RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ((manufacturer or supplier)) producer shall submit to that person or the department, within ((ninety)) 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ((manufacturers)) producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ((manufacturer's)) producer's product has been field tested and found to degrade.

**Sec. 808.** RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1)(a) The ((state, acting through the attorney general,)) department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ((two thousand dollars)) \$2,000 for the first violation of this chapter, up to ((five thousand dollars)) \$5,000 for the second violation of this chapter, and up to ((ten thousand dollars)) \$10,000 for the third and any subsequent violation of this chapter. If a ((manufacturer or supplier)) producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(2) ((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110)) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to

chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing (~~government entity~~) city or county may recover reasonable enforcement costs and attorneys' fees from the liable (~~manufacturer or supplier~~) producer.

**Sec. 809.** RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~(Manufacturers and suppliers)~~ (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. (~~A city, county, or the state~~)

(2)(a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant (~~manufacturer or supplier~~) producer of an alleged violation, who will have (~~ninety~~) 90 days to become compliant. (~~A city, county, or the state may assess a first penalty if the manufacturer or supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state~~)

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a (~~manufacturer or supplier~~) producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. **Sec. 810.** A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

**Sec. 811.** RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no (~~manufacturer or supplier~~) producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

**Sec. 812.** RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or

FIFTY THIRD DAY, MARCH 3, 2022

to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 813.** RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within ~~((thirty))~~ 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority ~~((thirty))~~ 30 days after the date of receipt by the person penalized of the notice imposing the penalty or ~~((thirty))~~ 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within ~~((thirty))~~ 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court

of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within ~~((thirty))~~ 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

## PART 9

### Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2) RCW 70A.455.900 (Effective date—2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70A.205.040, 70A.205.015, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010, 70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, 70A.455.100, and 70A.455.030; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding a new section to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; and prescribing penalties."

MOTION

Senator Short moved that the following amendment no. 1378 by Senator Short be adopted:

On page 3, line 22, after "available;" strike "or"

On page 3, line 24, after "people" insert "; or

(iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022"

Senators Short and Das spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1378 by Senator Short on page 3, line 22 to the committee striking amendment.

The motion by Senator Short carried and amendment no. 1378 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, amendment no. 1398 by Senator Mullet on page 5, line 26 to the committee striking amendment was withdrawn.

#### MOTION

Senator Mullet moved that the following amendment no. 1409 by Senator Mullet be adopted:

On page 5, after line 26, insert the following:

"(c)(i) Notwithstanding (a) and (b) of this subsection, and except as provided in (c)(ii) of this subsection, a jurisdiction implementing a local comprehensive solid waste management plan under this chapter may not site the increase or expansion of any existing organic materials management facility that processed more than 200,000 tons of material, relative to 2019 levels.

(ii) The limitation in (c)(i) of this subsection does not apply to the siting of any anaerobic digester or anaerobic digestion facility."

Senator Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1409 by Senator Mullet on page 5, after line 26 to the committee striking amendment.

The motion by Senator Mullet carried and amendment no. 1409 was adopted by voice vote.

#### MOTION

Senator Short moved that the following amendment no. 1379 by Senator Short be adopted:

On page 36, at the beginning of line 10, strike "and"

On page 36, line 11, after "(d)" strike "Be" and insert "If the product is a plastic food service product or food contact film product, be"

On page 36, line 13, after "wide" insert "; and

(e) If the product is a nonfood contact film product, be at least partially colored or partially tinted green or have a green stripe or band at least .25 inches wide and display the word "compostable""

Senators Short and Das spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1379 by Senator Short on page 36, line 10 to the committee striking amendment.

The motion by Senator Short carried and amendment no. 1379 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology as amended to Engrossed Second Substitute House Bill No. 1799.

The motion by Senator Das carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Engrossed Second Substitute House Bill No. 1799 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das, Short, Lovelett and Rivers spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1799 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Short, Stanford, Trudeau, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Gildon, Hasegawa, Honeyford, King, McCune, Padden, Schoesler, Sheldon, Wagoner, Warnick and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1773, by House Committee on Appropriations (originally sponsored by Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley)

Concerning assisted outpatient treatment for persons with behavioral health disorders.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

FIFTY THIRD DAY, MARCH 3, 2022

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2021 c 264 s 21 and 2021 c 263 s 12 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such

as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative

process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient (~~behavioral health~~) treatment" (~~means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time~~) refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient (~~behavioral health~~) treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated

FIFTY THIRD DAY, MARCH 3, 2022

directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 2.** RCW 71.05.020 and 2021 c 264 s 23 and 2021 c 263 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure

withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and

treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient ((behavioral health)) treatment" ~~((means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time))~~ refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

FIFTY THIRD DAY, MARCH 3, 2022

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient ((behavioral health)) treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

**Sec. 3.** RCW 71.05.148 and 2019 c 446 s 21 are each amended to read as follows:

~~((This section establishes a process for initial evaluation and filing of a petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances:))~~

(1) ((The designated crisis responder)) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the person, unless the person refuses an interview, ~~((and))~~ to determine whether the person will voluntarily receive appropriate ~~((evaluation and))~~ treatment ~~((at a mental health facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program)).~~

~~((2))~~ (4) The ~~((designated crisis responder))~~ petitioner must ~~((investigate and evaluate the))~~ allege specific facts ~~((alleged and))~~ based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information~~((The designated crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153))~~ material to the petition.

~~((3))~~ If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to

FIFTY THIRD DAY, MARCH 3, 2022

~~ninety days of less restrictive alternative treatment.))~~ (5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and ~~((stating that there is evidence, as a result of the designated crisis responder's))~~ the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient ((behavioral health)) treatment((, and stating the)). The petitioner must state which specific facts ~~((known as a result of))~~ come from personal observation ((or investigation, upon which the designated crisis responder bases)) and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, or the person's treating mental health professional or substance use disorder professional, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment. If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient ((behavioral health)) treatment;

~~((e) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person.))~~

(d) The name of an agency, provider, or facility ~~((which agreed))~~ that agrees to ((assume the responsibility of providing)) provide less restrictive alternative treatment if the petition is granted by the court; and

(e) ~~((A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section))~~ If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

~~((4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:~~

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) ~~The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.))~~

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

~~((6))~~ (8) A petition for assisted outpatient ((behavioral health)) treatment filed under this section ((must)) shall be adjudicated under RCW 71.05.240.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

NEW SECTION. Sec. 4. A new section is added to chapter 71.34 RCW to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the

opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, or the adolescent's treating mental health professional or substance use disorder professional, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**Sec. 5.** RCW 71.05.150 and 2021 c 264 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, ~~((or that a person is in need of assisted outpatient behavioral health treatment))~~ the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention ~~((or involuntary outpatient treatment))~~, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section ~~((or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148))~~. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

- (i) There is probable cause to support the petition; and
- (ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person~~(s)~~ and his or her guardian~~((and conservator))~~, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under ~~((RCW 71.05.150))~~ this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 6.** RCW 71.05.150 and 2021 c 264 s 2 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, ~~((or that a person is in need of assisted outpatient behavioral health treatment))~~ the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention ~~((or involuntary outpatient treatment))~~, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section ~~((or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148))~~. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and  
 (ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person ~~((s))~~ and his or her guardian ~~((s and conservator))~~, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or

other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual ~~((RCW 71.05.150))~~ this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 7.** RCW 71.05.156 and 2018 c 291 s 12 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention ~~((, and to determine whether the person is in need of assisted outpatient behavioral health treatment))~~.

**Sec. 8.** RCW 71.05.201 and 2020 c 302 s 24 and 2020 c 256 s 304 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian ~~((or conservator))~~ of the person, or a federally recognized Indian tribe if the person is a member of such tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention ~~((or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment))~~ if the court finds that: (a) There is probable cause to support a petition for detention ~~((or assisted outpatient behavioral health treatment))~~; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a ~~((written order for apprehension))~~ warrant. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a ~~((written order))~~ warrant issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 9.** RCW 71.05.212 and 2020 c 256 s 305 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient ~~((behavioral health))~~ treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

**Sec. 10.** RCW 71.05.212 and 2020 c 302 s 28 and 2020 c 256 s 305 are each reenacted and amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient ~~((behavioral health))~~ treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

**Sec. 11.** RCW 71.05.230 and 2020 c 302 s 34 are each amended to read as follows:

A person detained for one hundred twenty ~~((hour))~~ hours of evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by a behavioral health disorder and results in:

(a) A likelihood of serious harm; or (b) the person being gravely disabled; ~~((or (c) the person being in need of assisted outpatient behavioral health treatment.))~~ and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm ~~((s))~~ or is gravely disabled ~~((or is in need of assisted outpatient behavioral health treatment.))~~ and shall set forth any

recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney, and his or her guardian ~~((or conservator))~~, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ~~((ninety))~~ 90 days of less restrictive alternative treatment or ~~((ninety))~~ 90 days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 12.** RCW 71.05.240 and 2021 c 264 s 8 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ~~((or ninety))~~, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed ~~((fourteen))~~ 14 days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) A court may only order commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(d) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((and that the person does not present a likelihood of serious harm and is not gravely disabled))~~, the court shall order an appropriate less restrictive alternative course of treatment for up to ~~((ninety days))~~ 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the ~~((fourteen day))~~ 14-day inpatient or ~~((ninety day))~~ 90-day less restrictive treatment period, the person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall ~~((also))~~ notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

**Sec. 13.** RCW 71.05.240 and 2021 c 264 s 9 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ~~((or ninety))~~, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive

alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(c) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((and that the person does not present a likelihood of serious harm and is not gravely disabled))~~, the court shall order an appropriate less restrictive alternative course of treatment for up to ~~((ninety days))~~ 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the ~~((fourteen day))~~ 14-day inpatient or ~~((ninety day))~~ 90-day less restrictive treatment period, such person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

**Sec. 14.** RCW 71.05.245 and 2018 c 291 s 14 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient ~~((behavioral health))~~ treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient ~~((behavioral health))~~ treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or

71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

**Sec. 15.** RCW 71.05.280 and 2020 c 302 s 41 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled(~~or~~

~~(5) Such person is in need of assisted outpatient behavioral health treatment)).~~

**Sec. 16.** RCW 71.05.290 and 2020 c 302 s 42 are each amended to read as follows:

(1) At any time during a person's (~~(fourteen)~~) 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain

what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for (~~(one hundred eighty day)~~) 180-day treatment under RCW 71.05.280(3), or for (~~(ninety day)~~) 90-day treatment under RCW 71.05.280 (1), (2), or (4)(~~or (5)~~). No petition for initial detention or (~~(fourteen)~~) 14-day detention is required before such a petition may be filed.

**Sec. 17.** RCW 71.05.320 and 2021 c 264 s 10 and 2021 c 263 s 2 are each reenacted and amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for (~~(one hundred eighty day)~~) 180-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed (~~(ninety)~~) 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed (~~(one hundred eighty)~~) 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. (~~(If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.)~~)

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or

professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled(~~(= or~~

~~(e) Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed ~~((one hundred eighty))~~ 180 days from the date of judgment, except as provided in subsection (7) of this section. ~~((If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.))~~ An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement

that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the ~~((one hundred eighty day))~~ 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional ~~((one hundred eighty day))~~ 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive ~~((one hundred eighty day))~~ 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original ~~((one hundred eighty day))~~ 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed ~~((as provided in))~~ under this section may be detained unless a valid order of commitment is in effect. No order of commitment ~~((can))~~ under this section may exceed ~~((one hundred eighty))~~ 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

**Sec. 18.** RCW 71.05.320 and 2021 c 264 s 11 and 2021 c 263 s 3 are each reenacted and amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW

71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for ~~((one hundred eighty day))~~ 180-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ~~((ninety))~~ 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed ~~((one hundred eighty))~~ 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. ~~((If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.))~~

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period

may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled ~~((or~~  
(e) ~~Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed ~~((one hundred eighty))~~ 180 days from the date of judgment, except as provided in subsection (7) of this section. ~~((If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.))~~ An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the ~~((one hundred eighty day))~~ 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released

FIFTY THIRD DAY, MARCH 3, 2022

unless a petition for an additional (~~((one hundred eighty day))~~) 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive (~~((one hundred eighty day))~~) 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original (~~((one hundred eighty day))~~) 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed (~~((as provided in))~~) under this section may be detained unless a valid order of commitment is in effect. No order of commitment (~~((can))~~) under this section may exceed (~~((one hundred eighty))~~) 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

**Sec. 19.** RCW 71.05.365 and 2019 c 325 s 3008 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of (~~((ninety))~~) 90 or (~~((one hundred eighty))~~) 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment, and arrange for a transition to the community in accordance with the person's individualized discharge plan within (~~((fourteen))~~) 14 days of the determination.

**Sec. 20.** RCW 71.05.585 and 2021 c 264 s 13 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation, a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and
- (h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
  - (b) Psychotherapy;
  - (c) Nursing;
  - (d) Substance use disorder counseling;
  - (e) Residential treatment;
  - (f) Partial hospitalization;
  - (g) Intensive outpatient treatment;
  - (h) Support for housing, benefits, education, and employment;
- and

~~((g))~~ (i) Periodic court review.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 21.** RCW 71.34.755 and 2021 c 287 s 21 and 2021 c 264 s 16 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation, a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and
- (h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment;  
and

~~((g))~~ (i) Periodic court review.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 22.** RCW 10.77.175 and 2021 c 263 s 4 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the conditional treatment;
- (c) A psychiatric evaluation or a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; ~~((and))~~

(h) Appointment of a transition team under RCW 10.77.150; ~~((and))~~ and

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;
- (g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment;  
and

~~((g))~~ (i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 23.** RCW 71.05.590 and 2021 c 264 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the ~~((agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for evaluation at an agency ~~((or))~~ facility ~~((monitoring or))~~ providing services under the court order, ~~((or to a))~~ triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. ~~((The person may be detained at the facility for up to twelve hours for the))~~ purpose of ~~((an))~~ the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ~~((in the))~~ based on clinical judgment ~~((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services))~~ temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

~~((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (7) of this section)).~~

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ~~((notification by))~~ upon request of the facility or agency designated to provide outpatient care ~~((order))~~ cause a person ~~((subject to a court order under this chapter))~~ to be ~~((apprehended and taken into custody and temporary detention))~~ detained in an evaluation and treatment facility, ~~((an))~~ available secure withdrawal management and stabilization facility with adequate space, or ~~((an))~~ available approved substance use disorder treatment program with adequate space ~~((s))~~ in or near the county in which he or she is receiving outpatient treatment ~~((Proceedings under this subsection (5) may be initiated without ordering the apprehension and))~~ for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ~~((person should be returned to the hospital or facility from which he or she had been released))~~ order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must

be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ~~((court))~~ order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ~~((should))~~ to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ~~((fourteen))~~ 14 days from the revocation hearing if the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order))~~. A court may not ~~((issue an order to))~~ detain a person for inpatient treatment ~~((in))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a ~~((secure withdrawal management and stabilization))~~ facility or ~~((approved substance use disorder treatment))~~ program available ~~((and))~~ with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into eustody and temporary detention for inpatient evaluation in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~((b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~((c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the~~

~~court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.~~

~~((d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.))~~

**Sec. 24.** RCW 71.05.590 and 2021 c 264 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for evaluation at an agency ~~((or))~~ facility ~~((monitoring or))~~ providing services under the court order, ~~((or to a))~~ triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The ~~((person may be detained at the facility for up to twelve hours for the))~~ purpose of ~~((and))~~ the evaluation is to determine whether modification, revocation, or commitment

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ~~((in the)), based on~~ clinical judgment ~~((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services)),~~ temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section ~~((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (7) of this section)).~~

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ~~((notification by))~~ upon request of the facility or agency designated to provide outpatient care ~~((order)), cause~~ a person ~~((subject to a court order under this chapter)) to be ~~((apprehended and taken into custody and temporary detention))~~ detained~~ in an evaluation and treatment facility, ~~((in a))~~ secure withdrawal management and stabilization facility, or ~~((in an))~~ approved substance use disorder treatment program~~((s))~~ in or near the county in which he or she is receiving outpatient treatment~~((Proceedings under this subsection (5) may be initiated without ordering the apprehension and))~~ for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ~~((person should be returned to the hospital or facility from which he or she had been released))~~ order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the

secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ~~((court))~~ order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ~~((should))~~ to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ~~((fourteen))~~ 14 days from the revocation hearing if the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order)).~~

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings~~

~~under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~(b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.)~~

**Sec. 25.** RCW 71.05.595 and 2018 c 291 s 16 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient (~~behavioral health~~) treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

**Sec. 26.** RCW 71.24.045 and 2021 c 263 s 17 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and

utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

**Sec. 27.** RCW 71.24.045 and 2021 c 263 s 17 and 2021 c 202 s 15 are each reenacted and amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance

for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

NEW SECTION. **Sec. 28.** By December 31, 2022, the administrative office of the courts, in collaboration with stakeholders, shall: (1) Develop a court form or forms for the filing of a petition under RCW 71.05.148 and section 4 of this act; and (2) develop and publish on its website a user's guide to assist litigants in the preparation and filing of a petition under RCW 71.05.148 or section 4 of this act.

**Sec. 29.** RCW 71.05.740 and 2021 c 263 s 15 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) The clerk of the court must share commitment hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must include the name of the facility to which a person has been committed.

NEW SECTION. **Sec. 30.** A new section is added to chapter 71.05 RCW to read as follows:

(1) The legislature finds that prevention of harm and the safety of persons with behavioral health disorders, behavioral health professionals, and other health care professionals engaging in a variety of activities under this chapter and chapters 71.34, and 10.77 RCW, depends upon a close and collaborative working relationship with peace officers and other first responders to de-escalate situations with a potential for harm and accomplish the goals of these chapters.

(2) A peace officer's obligation under RCW 10.120.020 to provide assistance under this chapter and chapters 71.34 and 10.77 RCW includes, but is not limited to:

(a) Taking a person into custody who a designated crisis responder has determined meets criteria for detention under this chapter or chapter 71.34 or 10.77 RCW;

(b) Taking a person into custody who the peace officer has reasonable cause to believe may have a behavioral health disorder and may present an imminent likelihood of serious harm or may be in imminent danger due to being gravely disabled; and

(c) Executing or enforcing an order to detain, an order to apprehend, or any other order or warrant that supports a detention under this chapter or chapter 71.34 or 10.77 RCW.

(3) De-escalation tactics employed by an officer under RCW 10.120.010 must include supporting the safety of a crisis intervention team, designated crisis responder, or other behavioral health professional in responding to an incident or executing other duties under this chapter or chapter 71.34 or 10.77 RCW.

NEW SECTION. **Sec. 31.** Sections 1, 2, and 32 of this act take effect July 1, 2022.

**Sec. 32.** 2021 c 264 s 24 (uncodified) and 2021 c 263 s 21 (uncodified) are each reenacted and amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~(and, until July 1, 2022,~~

~~section 22, chapter 264, Laws of 2021 and, beginning July 1, 2022,))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~((and sections 22 and))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. Sec. 33. Sections 5, 12, 17, and 23 of this act expire July 1, 2026.

NEW SECTION. Sec. 34. Sections 6, 13, 18, and 24 of this act take effect July 1, 2026.

NEW SECTION. Sec. 35. Section 26 of this act expires October 1, 2022.

NEW SECTION. Sec. 36. Section 27 of this act takes effect October 1, 2022.

NEW SECTION. Sec. 37. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "disorders;" strike the remainder of the title and insert "amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.290, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, 71.24.045, and 71.05.740; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, 71.34.755, and 71.24.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; adding a new section to chapter 71.05 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates."

#### MOTION

Senator Dhingra moved that the following amendment no. 1294 by Senator Dhingra be adopted:

On page 74, beginning on line 8, strike all of section 30  
Renummer the remaining sections consecutively and correct any internal references accordingly.

On page 76, beginning on line 9, after "RCW;" strike "adding a new section to chapter 71.05 RCW;"

Senators Dhingra and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1294 by Senator Dhingra on page 74, line 8 to the committee striking amendment.

The motion by Senator Dhingra carried and amendment no. 1294 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Substitute House Bill No. 1773.

The motion by Senator Dhingra carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1773 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1773 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1773 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1773 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1901, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Davis, Taylor and Kloba)

Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual

FIFTY THIRD DAY, MARCH 3, 2022

abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources,

government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult

cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, ~~(and)~~ or contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(37)(a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably

interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidating or controlling or compelling conduct by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Communicating, directly or indirectly, the intent to:

(I) Harm the other party's children, family members, friends, or pets, including by use of physical forms of violence;

(II) Harm the other party's career;

(III) Attempt suicide or other acts of self-harm; or

(IV) Contact local or federal agencies based on actual or suspected immigration status;

(F) Exerting control over the other party's identity documents;

(G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(H) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

**Sec. 2.** RCW 7.105.050 and 2021 c 215 s 4 are each amended to read as follows:

(1) The superior(,) and district(, and municipal) courts have jurisdiction over domestic violence protection order proceedings (and), sexual assault protection order proceedings, stalking

protection order proceedings, and antiharassment protection order proceedings under this chapter~~(The jurisdiction of district and municipal courts is limited to enforcement of RCW 7.105.450(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 7.105.305 if)~~, except that such proceedings must be transferred from district court to superior court when:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) ~~(The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or~~

(c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child;

(c) The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;

(d) The petitioner, victim, or respondent to the petition is under 18 years of age; or

(e) The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

(2)(a) When the jurisdiction of a district ~~((or municipal))~~ court is limited to the issuance and enforcement of a temporary protection order, the district ~~((or municipal))~~ court shall set the full hearing in superior court and transfer the case, indicating in the transfer order the circumstances and findings supporting transfer to the superior court.

(b) If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

(3) Transfer procedures, court calendars, and judicial officer assignment must further the goals of this chapter to: Minimize delay; make the system less complex; provide sufficient victim support, consistency, safety, timeliness, and procedural fairness; enable comprehensive use of electronic filing, case tracking, and records management systems; provide for judicial officers with expertise and training in protection orders and trauma-informed practices and continuity of judicial officers at each hearing so the judicial officer will have greater familiarity with the parties, history, and allegations; and help ensure that there is compliance with timely and comprehensive firearms relinquishment to reduce risk of harm. Courts shall make publicly available in print and online information about their transfer procedures, court calendars, and judicial officer assignment.

**Sec. 3.** RCW 7.105.070 and 2021 c 215 s 8 are each amended to read as follows:

The superior courts have jurisdiction over extreme risk protection order proceedings under this chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district ~~((and municipal))~~ courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under RCW 7.105.330. The district ~~((or municipal))~~ court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

**Sec. 4.** RCW 7.105.075 and 2021 c 215 s 9 are each amended to read as follows:

An action for a protection order should be filed in the county ~~((or municipality))~~ where the petitioner resides. The petitioner may also file in:

(1) The county ~~((or municipality))~~ where an act giving rise to the petition for a protection order occurred;

(2) The county ~~((or municipality))~~ where a child to be protected by the order primarily resides;

(3) The county ~~((or municipality))~~ where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

**Sec. 5.** RCW 7.105.100 and 2021 c 215 s 13 are each amended to read as follows:

(1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent. ~~((If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.))~~

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

- (i) Himself or herself;
- (ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;
- (iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(5) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the court shall consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing

as appropriate under the law. The court's decision on the appropriate type of order shall not be premised on alleviating any potential stigma on the respondent.

~~((5))~~ (6) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in RCW 7.105.310 that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

~~((6))~~ (7) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court, and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

~~((7))~~ (8) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without notice until a hearing on a full protection order may be held. When requested, there shall be a rebuttable presumption to include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order until the full hearing to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court shall make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days, which may be extended for good cause.

~~((8) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.)~~

**Sec. 6.** RCW 7.105.105 and 2021 c 215 s 14 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make ~~((all electronically filed court documents available for electronic access by))~~ available electronically to judicial officers ((statewide)) any protection orders filed within the state. Judicial officers may not be charged for access to such documents. The electronic ~~((filing))~~ submission system must allow for petitions for protection orders and supportive documents to be ~~((filed))~~ submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners

and respondents should not ~~((be charged))~~ incur additional charges for electronic ~~((filing))~~ submission for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) ~~((return))~~ proof of service upon the respondent has been filed with the court or clerk; ~~((and))~~ (v) a receipt for the surrender of firearms has been filed with the court or clerk; and (vi) the respondent has filed a motion for the release of surrendered firearms. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent ~~((must))~~ should be ~~((served with))~~ provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9)(a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge, including a copy of the service packet that consists of all documents that are being served on the respondent. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010(35)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

~~((12))~~ ~~((Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.))~~

~~((13))~~ If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

~~((14))~~ (13) Courts shall not require a petitioner to file duplicative forms.

~~((15))~~ (14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

**Sec. 7.** RCW 7.105.115 and 2021 c 215 s 16 are each amended to read as follows:

(1) By ~~((June))~~ December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy

programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission ~~((by July 25, 2021))~~. Such materials must be updated and distributed if needed due to relevant changes in the law;

(d)(i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and

law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) ~~((The))~~ By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

**Sec. 8.** RCW 7.105.120 and 2021 c 215 s 17 are each amended to read as follows:

(1) All court clerks' offices shall make available the standardized forms, instructions, and informational brochures required by this chapter, and shall ~~((fill in and))~~ keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall ~~((obtain))~~ accept and provide community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in RCW 7.105.115.

(a) The court clerk shall ~~((obtain a))~~ accept an appropriate community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available, website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for

respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list ~~((shall))~~ must be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should ~~((translate))~~ accept from the programs that provided the resource lists translations of them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

**Sec. 9.** RCW 7.105.150 and 2021 c 215 s 18 are each amended to read as follows:

(1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of this subsection, personal service, consistent with court rules for civil proceedings, ~~((must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases))~~ is required in: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the respondent from the parties' shared residence ~~((Personal service should also be used in)); (D) cases involving a respondent who is incarcerated; and (E) cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.~~

(ii) Personal service in cases specified in (a)(i)(A) through (D) of this subsection must be made by law enforcement including, at a minimum, two timely attempts at personal service. To reduce risk of harm for cases requiring personal service, law enforcement should continue to attempt personal service up to the hearing date. Personal service for cases specified in (a)(i)(E) of this subsection and when used for other protection order cases must ~~((otherwise))~~ be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action ~~((and))~~, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) In cases where personal service is required under this subsection, after two unsuccessful attempts at personal service, service shall be permitted by electronic means in accordance with (b) of this subsection.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, ~~((with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases~~



filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form must be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(7) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully or are not possible.

**Sec. 10.** RCW 7.105.155 and 2021 c 215 s 19 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or

municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. ~~((Law enforcement shall document all))~~ All attempts at service must be documented on a ((return)) proof of service form and ((submit it)) submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the ~~((law enforcement information sheet))~~ confidential information form completed by the protected party and the ~~((return))~~ proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the ~~((return))~~ proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the ~~((return))~~ proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 11.** RCW 7.105.165 and 2021 c 215 s 21 are each amended to read as follows:

~~((Service))~~ (1) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than five judicial days before the hearing date((unless waived by the nonmoving party)). If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt

FIFTY THIRD DAY, MARCH 3, 2022

at obtaining service or permit service by other means authorized in this chapter. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(2) Service is completed on the day the respondent is served personally, on the date of transmission for electronic service, on the 10th calendar day after mailing for service by mail, or on the date of the third publication when publication has been made for three consecutive weeks for service by publication.

(3) If the nonmoving party was served before the hearing, but less than five judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. ~~((The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.))~~ This additional service may be made by mail as an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third calendar day after mailing.

(4) Where electronic service was not complete because there was no verification of notice, and service by mail or publication has been authorized, copies must also be sent by electronic means to any known electronic addresses.

**Sec. 12.** RCW 7.105.200 and 2021 c 215 s 24 are each amended to read as follows:

In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2)(a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate ~~((telephonically))~~ remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

(3) ~~((A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (1) of this section.~~

(4)) If the respondent does not appear ~~((, or the petitioner informs the court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing,))~~ for the full hearing and there is no proof of timely and proper service on the respondent, the court shall reissue any temporary protection order previously issued ((, cancel the scheduled hearing,)) and reset the hearing date. If a temporary protection order is reissued, the court

shall reset the hearing date not later than 14 days from the reissue date. If a temporary protection order is reissued and the court permits service by mail or by publication, the court shall reset the hearing date not later than 30 days from the date of the order authorizing such service. These time frames may be extended for good cause.

~~((5))~~ (4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

~~((6))~~ (5) Hearings ~~((must))~~ may be conducted upon ~~((live testimony of the parties and sworn declarations))~~ the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court ~~((should))~~ may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

(6) If the court continues ~~((the))~~ a hearing for any reason, the court shall reissue any temporary orders, including orders to surrender and prohibit weapons, issued with or without notice.

(7) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

(8) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

(9)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion

must include an offer of proof of the relevancy of the proposed evidence and reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(10) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

~~(11) (If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.~~

~~(12))~~ Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

~~(13))~~ (12) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

**Sec. 13.** RCW 7.105.205 and 2021 c 215 s 25 are each amended to read as follows:

(1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings, and inform ~~((parties and witnesses))~~ them of these safety considerations. Materials available to ~~((parties and witnesses))~~ persons appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they ~~((may use virtual backgrounds to help ensure that their backgrounds do not reveal their location))~~ should ensure that background surroundings do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request ~~((, and shall be granted, one))~~ a continuance on that basis. ~~((Subsequent))~~ Such requests may be granted in the

FIFTY THIRD DAY, MARCH 3, 2022

court's discretion. In considering the request, the court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

**Sec. 14.** RCW 7.105.250 and 2021 c 215 s 34 are each amended to read as follows:

(1) Whether or not the petitioner has retained an attorney, a sexual assault or domestic violence advocate, as defined in RCW 5.60.060, shall be allowed to accompany the petitioner, or appear remotely with the petitioner, and confer with the petitioner during court proceedings. The sexual assault or domestic violence advocate shall not provide legal representation nor interpretation services. Court administrators shall allow sexual assault and domestic violence advocates to assist petitioners with their protection orders. Sexual assault and domestic violence advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Unless the sexual assault or domestic violence advocate seeks to speak directly to the court, advocates shall not be required to be identified on the record beyond stating their role as a sexual assault or domestic violence advocate and identifying the program for which they work or volunteer for. Communications between the petitioner and a sexual assault and domestic violence advocate are protected as provided by RCW 5.60.060.

(2) Whether or not the petitioner has retained an attorney, a protection order advocate must be allowed to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings, or addressing the court when invited to do so.

(a) For purposes of this section, "protection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders.

(b) The protection order advocate shall not provide legal representation nor interpretation services.

(c) Unless a protection order advocate seeks to speak directly to the court, protection order advocates shall not be required to be identified on the record beyond stating his or her role as a protection order advocate and identifying the program for which he or she works or volunteers.

(d) A protection order advocate who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other governmental entity, has the same privileges, rights, and responsibilities as a sexual assault advocate and domestic violence advocate under RCW 5.60.060.

(3) Whether or not the petitioner has retained an attorney ~~((if a petitioner does not have))~~ or has an advocate, the petitioner shall be allowed a support person to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings. The support person may be any third party of the petitioner's choosing, provided that:

(a) The support person shall not provide legal representation nor interpretation services; and

(b) A support person who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other government entity, may not, without the consent of the petitioner, be examined as to any communication between the petitioner and the support person regarding the petition.

**Sec. 15.** RCW 7.105.255 and 2021 c 215 s 35 are each amended to read as follows:

To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

**Sec. 16.** RCW 7.105.305 and 2021 c 215 s 38 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the ~~((particular))~~ reasons ~~((for the court's denial))~~ in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. ~~((If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.))~~

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

(5) If the court does not set a full hearing, the petitioner may file an amended petition within 14 days of the court's denial. If

the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

(6) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

**Sec. 17.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the ~~((dwelling))~~ residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

~~((d))~~ (e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

~~((e))~~ (f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

~~((f))~~ (g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

~~((g))~~ (h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay.

The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((h))~~ (i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

~~((i))~~ (j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((j))~~ (k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~((k))~~ (l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((l))~~ (m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

~~((m))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or

FIFTY THIRD DAY, MARCH 3, 2022

knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

~~((#))~~ (o) Order use of a vehicle;

~~((#))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date of the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

~~((#))~~ (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

~~((#))~~ (r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

~~((#))~~ (s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

~~((#))~~ (t) Order financial relief and restrain the transfer of jointly owned assets;

~~((#))~~ (u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

~~((#))~~ (v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

~~((#))~~ (4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) ~~(The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.~~

~~((#))~~ The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

~~((#))~~ (c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((#))~~ (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec. 18.** RCW 7.105.320 and 2021 c 215 s 41 are each amended to read as follows:

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms as ordered.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

(4) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

**Sec. 19.** RCW 7.105.340 and 2021 c 215 s 45 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such

firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ((in the presence of)) and the respondent ((or defendant. The respondent or defendant shall acknowledge receipt and service)) appears in person, the respondent must be provided a copy and further service is not required. If the respondent ~~((or defendant))~~ refuses ((service)) to accept a copy, an agent of the court may indicate on the record that the respondent ~~((or defendant))~~ refused ((service)) to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date

and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent (~~(or defendant)~~) in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 20.** RCW 7.105.400 and 2021 c 215 s 53 are each amended to read as follows:

(1) A temporary protection order issued under this chapter may be reissued for the following reasons:

- (a) Agreement of the parties;
- (b) To provide additional time to effect service of the temporary protection order on the respondent; or
- (c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new (~~law enforcement information sheet~~) confidential information form when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

**Sec. 21.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic

violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

**Sec. 22.** RCW 7.105.460 and 2021 c 215 s 58 are each amended to read as follows:

(1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

~~(2) (Any) (a) Except as provided in (b) of this subsection, any~~ person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. ~~(However, such)~~

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter.

**Sec. 23.** RCW 7.105.500 and 2021 c 215 s 61 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the

petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

**Sec. 24.** RCW 7.105.510 and 2021 c 215 s 63 are each amended to read as follows:

This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is not subject to ~~((a limited guardianship, limited conservatorship, or other protective arrangement))~~ an order under chapter 11.130 RCW may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. Where a vulnerable adult is subject to an order under chapter 11.130 RCW, the vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement under chapter 11.130 RCW, may, ((at any time subsequent to the entry of a permanent protection order under this chapter,)) if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with RCW 7.105.310 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

**Sec. 25.** RCW 7.105.555 and 2021 c 215 s 66 are each amended to read as follows:

(1) To prevent the issuance of competing protection orders in different courts and to give courts needed information for the issuance of orders, the judicial information system or alternative databases must be available in each district, municipal, and superior court, and must include a database containing the following information:

~~((4))~~ (a) The names of the parties and the cause number for every order of protection issued under this chapter, protection orders provided by military and tribal courts, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

~~((2))~~ (b) A complete criminal history of the parties; and

~~((3))~~ (c) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

(2) Information within the database must be easily accessible and accurately updated as soon as possible but no later than within one judicial day.

(3) A document viewing system must be available as part of the judicial information system or other databases used by the court, so that in addition to having access to the summary information

in subsection (1) of this section, the court is able to view any protection order filed within the state.

**Sec. 26.** RCW 7.105.902 and 2021 c 215 s 36 are each amended to read as follows:

(1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

(4) This section expires October 1, 2022.

**NEW SECTION. Sec. 27.** (1) The gender and justice commission, through its E2SHB 1320 stakeholder work groups, and in consultation with the Washington state center for court research, shall include in their 2022 work consideration of a study regarding how the inclusion of coercive control under this act helps to further realize the legislative intent of the law to increase safety for victims by obtaining effective legal protection apart from, or in addition to, the criminal legal system. The possible parameters for such a study would be as follows:

(a) The center for court research may engage or partner with other researchers with expertise in intimate partner violence, coercive control, civil protection order processes, and related research to conduct the study or help with study design, duration, methods, measurements, data collection, and analysis.

(b) The administrative office of the courts and superior and district courts shall provide the center for court research with necessary data to conduct the study, as requested by the center for court research.

(c) The study may include, if determined by the gender and justice commission's E2SHB 1320 stakeholder work groups and the center for court research to be empirically useful and readily measurable through available data, measurements such as:

(i) The ability of survivors to obtain protection orders that fully address the nature of the harm or threat of harm they are experiencing;

(ii) The frequency of inclusion of coercive control in protection order petitions and the nature of the harm or threatened harm articulated;

(iii) Whether the orders were granted and if so, the relief ordered by the court;

(iv) Whether the orders were denied, and if so, the reason for the denial; and

(v) In proceedings involving domestic violence where coercive control is part of the harm alleged:

(A) The frequency of conflicting protection orders, cross-petitions (where each party files a petition against the other), or re-aligned orders (where the court finds that the original petitioner is the abuser and the original respondent is the victim);

(B) Enforcement of protection order violations;

(C) Other legal proceedings involving either party, such as family, dependency, or criminal matters; and

(D) Whether the parties had legal representation or legal advocates in the protection order proceedings.

(d) The study shall also assess judicial officer training regarding protection orders, and coercive control in particular, and whether additional judicial officers are required to hear protection order proceedings.

(e) To the extent feasible, and considered best practice by the center for court research, the evaluation should also: Gather qualitative information from survivors of domestic violence, legal counsel, protection order advocates and court navigators, court clerks, and judicial officers; and include analysis of any disproportionate impact on survivors by race, immigration status, language, gender, sexual orientation, or disability.

(f) At the conclusion of any study conducted under this section, the center for court research shall report its findings to the legislature in compliance with RCW 43.01.036.

(2) By July 1, 2022, the gender and justice commission through its E2SHB 1320 work groups and the center for court research shall advise the chairs of the relevant policy committees of the legislature of their recommendations regarding need, timing, and design for such a study.

(3) This section expires January 1, 2028.

**Sec. 28.** RCW 9.41.040 and 2021 c 215 s 72 are each amended to read as follows:

FIFTY THIRD DAY, MARCH 3, 2022

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a ~~((domestic violence))~~ protection order or no-contact order restraining the person or excluding the person from a residence ~~((chapter 7.105 RCW,))~~ RCW 10.99.040(2) or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child ~~((and))~~ or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

~~((iv))~~ (v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((v))~~ (vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((vi))~~ (vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

~~((vii))~~ (viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 29.** RCW 9.41.800 and 2021 c 215 s 74 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received noticed and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; ~~(and)~~ or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; and

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

**Sec. 30.** RCW 9.41.801 and 2021 c 215 s 75 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ((in the presence of)) and the respondent ((or defendant)) appears in person, the respondent shall be provided a copy and further service is not required. ((The respondent or defendant shall acknowledge receipt and service.)) ~~If the respondent ((or defendant)) refuses ((service)) to receive a copy, an agent of the court may indicate on the record that the respondent ((or defendant)) refused ((service)) to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary.~~ The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and

dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent ~~((or defendant))~~ in any criminal prosecution under this chapter, chapter ~~((9.41 [7.105]))~~ 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall

comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**Sec. 31.** RCW 42.56.240 and 2019 c 300 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070~~((§))~~, except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcing agencies pursuant to local security alarm system

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to

RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as

defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

#### TECHNICAL AMENDMENTS

**Sec. 32.** RCW 4.08.050 and 2021 c 215 s 89 are each amended to read as follows:

Except as provided under RCW 28A.225.035 and ~~((7.105.105))~~ 7.105.100, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she

be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

**Sec. 33.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read as follows:

RCW 9.41.040(2)(a)~~((vii))~~ (vii) shall not apply to any person under the age of eighteen years who is:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;

(5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, ~~((or other adult approved for the purpose by the parent or guardian;~~

(6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;

(7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;

(8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or

(9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

**Sec. 34.** RCW 12.04.140 and 2021 c 215 s 127 are each amended to read as follows:

Except as provided under RCW ~~((7.105.105))~~ 7.105.100, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

**Sec. 35.** RCW 12.04.150 and 2021 c 215 s 128 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under RCW ~~((7.105.105))~~ 7.105.100. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

**Sec. 36.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to read as follows:

#### DESCRIPTION AND OFFENSE CATEGORY



**Theft, Robbery, Extortion, and Forgery**

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C

**Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B

**Other**

B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

**OPTION A**

**JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE**

CATEGORY	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	CURRENT OFFENSE	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS	
E	LS	LS	LS	LS	LS	
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 37.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

	JUVENILE DISPOSITION
JUVENILE DISPOSITION OFFENSE CATEGORY	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
CATEGORY DESCRIPTION (RCW CITATION)	

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C

C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E

B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A

D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+

B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

**Drugs**

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+

E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+

C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Possession of Marijuana <40 grams (69.50.4014)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C

C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B

C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C

**Firearms and Weapons**

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E

C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)( <del>++</del> )) (vii)	C	C	Identity Theft 1 (9.35.020(2))	D
D+	Possession of Dangerous Weapon (9.41.250)	E	D	Identity Theft 2 (9.35.020(3))	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E	D	Improperly Obtaining Financial Information (9.35.010)	E
<b>Homicide</b>					
A+	Murder 1 (9A.32.030)	A	B	Possession of a Stolen Vehicle (9A.56.068)	C
A+	Murder 2 (9A.32.050)	B+	B	Possession of Stolen Property 1 (9A.56.150)	C
B+	Manslaughter 1 (9A.32.060)	C+	C	Possession of Stolen Property 2 (9A.56.160)	D
C+	Manslaughter 2 (9A.32.070)	D+	D	Possession of Stolen Property 3 (9A.56.170)	E
B+	Vehicular Homicide (46.61.520)	C+	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
<b>Kidnapping</b>					
A	Kidnap 1 (9A.40.020)	B+	C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B+	Kidnap 2 (9A.40.030)	C+	B	Theft of a Motor Vehicle (9A.56.065)	C
C+	Unlawful Imprisonment (9A.40.040)	D+	<b>Motor Vehicle Related Crimes</b>		
<b>Obstructing Governmental Operation</b>					
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	E	Driving Without a License (46.20.005)	E
E	Resisting Arrest (9A.76.040)	E	B+	Hit and Run - Death (46.52.020(4)(a))	C+
B	Introducing Contraband 1 (9A.76.140)	C	C	Hit and Run - Injury (46.52.020(4)(b))	D
C	Introducing Contraband 2 (9A.76.150)	D	D	Hit and Run-Attended (46.52.020(5))	E
E	Introducing Contraband 3 (9A.76.160)	E	E	Hit and Run-Unattended (46.52.010)	E
B+	Intimidating a Public Servant (9A.76.180)	C+	C	Vehicular Assault (46.61.522)	D
B+	Intimidating a Witness (9A.72.110)	C+	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
<b>Public Disturbance</b>					
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	E	Reckless Driving (46.61.500)	E
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
E	Failure to Disperse (9A.84.020)	E	B+	Felony Driving While Under the Influence	B
E	Disorderly Conduct (9A.84.030)	E	B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
<b>Sex Crimes</b>					
A	Rape 1 (9A.44.040)	B+	B	Animal Cruelty 1 (16.52.205)	C
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+	B	Bomb Threat (9.61.160)	C
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+	C	Escape 1 <sup>1</sup> (9A.76.110)	C
C+	Rape 3 (9A.44.060)	D+	C	Escape 2 <sup>1</sup> (9A.76.120)	C
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+	D	Escape 3 (9A.76.130)	E
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
B+	Rape of a Child 2 (9A.44.076)	C+	A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Incest 1 (9A.64.020(1))	C	B	Other Offense Equivalent to an Adult Class B Felony	C
C	Incest 2 (9A.64.020(2))	D	C	Other Offense Equivalent to an Adult Class C Felony	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	E	Other Offense Equivalent to an Adult Misdemeanor	E
B+	Promoting Prostitution 1 (9A.88.070)	C+	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V
C+	Promoting Prostitution 2 (9A.88.080)	D+	<sup>1</sup> Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows: 1st escape or attempted escape during 12-month period - 28 days confinement 2nd escape or attempted escape during 12-month period - 8 weeks confinement 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement		
E	O & A (Prostitution) (9A.88.030)	E			
B+	Indecent Liberties (9A.44.100)	C+	<sup>2</sup> If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.		
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+			
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+	<b>JUVENILE SENTENCING STANDARDS</b>		
B	Child Molestation 2 (9A.44.086)	C+	This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.		
C	Failure to Register as a Sex Offender (9A.44.132)	D	<b>OPTION A</b>		
<b>Theft, Robbery, Extortion, and Forgery</b>					
B	Theft 1 (9A.56.030)	C	JUENILE OFFENDER SENTENCING GRID STANDARD RANGE		
C	Theft 2 (9A.56.040)	D	-----		
D	Theft 3 (9A.56.050)	E	A++	129 to 260 weeks for all category A++ offenses	
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	-----		
C	Forgery (9A.60.020)	D	A+	180 weeks to age 21 for all category A+ offenses	
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+	-----		
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A	A	103-129 weeks for all category A offenses	
B+	Robbery 2 (9A.56.210)	C+	CURRENT OFFENSE CATEGORY		
B+	Extortion 1 (9A.56.120)	C+	-----		
C+	Extortion 2 (9A.56.130)	D+	-----		

A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
C+	LS	LS	LS	15-36 weeks	15-36 weeks
C	LS	LS	LS	LS	15-36 weeks
D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS	0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR  
OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW

13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;  
(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);  
(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

**OR  
OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH  
DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR  
OPTION D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 38.** RCW 13.40.160 and 2020 c 18 s 9 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be

used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(~~(vii)~~) (vii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 39.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(~~(vii)~~) (vii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family

therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 40.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(2)(a)(~~(vii)~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the

FIFTY THIRD DAY, MARCH 3, 2022

offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

**Sec. 41.** RCW 26.28.015 and 2021 c 215 s 141 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under RCW (~~7.105.105~~) 7.105.100, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

**Sec. 42.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153 are each reenacted to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department

of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

**Sec. 43.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6 are each reenacted to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

FIFTY THIRD DAY, MARCH 3, 2022

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iv)~~) (v);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as

necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with

mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(6).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

**Sec. 44.** RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7 are each reenacted and amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties

necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . .";

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iv)~~) (v);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court.

**NEW SECTION. Sec. 45.** The following acts or parts of acts are each repealed:

(1) RCW 7.105.055 (Jurisdiction—Stalking protection orders) and 2021 c 215 s 5;

(2) RCW 7.105.060 (Jurisdiction—Antiharassment protection orders) and 2021 c 215 s 6;

(3) RCW 7.105.170 (Vulnerable adult protection orders—Service when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

(4) RCW 7.105.901 (Recommendations on jurisdiction over protection order proceedings—Report) and 2021 c 215 s 12.

**NEW SECTION. Sec. 46.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**Sec. 47.** 2021 c 215 s 87 (uncodified) is amended to read as follows:

(1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of this act, this act takes effect July 1, 2022.

(2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take effect the effective date of this section.

**NEW SECTION. Sec. 48.** Section 36 of this act expires July 1, 2023.

**NEW SECTION. Sec. 49.** (1) Except for sections 9 through 14, 37, and 47 of this act, this act takes effect July 1, 2022.

(2) Section 37 of this act takes effect July 1, 2023.

(3) Sections 9 through 14 and 47 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 3 of the title, after "accessibility;" strike the remainder of the title and insert "amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250, 7.105.255, 7.105.305,

7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902, 9.41.040, 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230; creating a new section; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective dates; providing expiration dates; and declaring an emergency."

#### MOTION

Senator Padden moved that the following amendment no. 1401 by Senator Padden be adopted:

On page 3, line 36, after "penetration;" strike "coercive control;"

On page 4, line 1, after "penetration;" strike "coercive control;" Beginning on page 9, line 21, strike all of subsection (37)

On page 42, line 5, after "dynamics," strike "coercive control;"

On page 64, line 9, after "trauma;" strike "and" and insert "~~(and)~~"

On page 64, line 13, after "escalates" insert ";

(h) Due process concerns raised by respondents including, but not limited to, constitutional issues associated with surrender orders, inadequate notices of hearings and service of process, and constitutional issues related to ex parte orders;

(i) The impact of civil protection orders on parenting plans, custody agreements, including protection order modifications that include a minor child;

(j) Necessary training for judicial officers; and

(k) Policies that dissuade and deter bad faith petitioners who seek to use protection order statutes to withhold custody or access to a child by a fellow parent"

On page 64, line 21, after "2022." insert "The gender and justice commission shall provide recommendations regarding subsection (1)(h) through (k) of this section by October 1, 2023."

On page 64, line 22, after "October 1," strike "2022" and insert "2024"

Beginning on page 64, line 23, strike all of section 27

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Padden and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1401 by Senator Padden on page 3, line 36 to the committee striking amendment.

The motion by Senator Padden did not carry and amendment no. 1401 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 1400 by Senator Padden on page 3, line 36 to the committee striking amendment was withdrawn.

#### MOTION

Senator Short moved that the following amendment no. 1408 by Senator Short be adopted:

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

On page 10, line 6, after "Communicating" strike "directly or indirectly," and insert "directly"

Senators Short and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1408 by Senator Short on page 10, line 6 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1408 was not adopted by voice vote.

## MOTION

Senator Warnick moved that the following amendment no. 1403 by Senator Warnick be adopted:

On page 10, line 30, after "medication," insert "or"

On page 10, beginning on line 30, after "child care" strike ", or school-based extracurricular activities"

Senator Warnick spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1403 by Senator Warnick on page 10, line 30 to the committee striking amendment.

The motion by Senator Warnick did not carry and amendment no. 1403 was not adopted by voice vote.

## MOTION

Senator Holy moved that the following amendment no. 1407 by Senator Holy be adopted:

On page 10, line 31, after "activities;" insert "or"

On page 10, beginning on line 36, after "housing" strike all material through "party" on line 38

Senators Holy and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1407 by Senator Holy on page 10, line 31 to the committee striking amendment.

The motion by Senator Holy did not carry and amendment no. 1407 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following amendment no. 1404 by Senator Wagoner be adopted:

On page 11, line 2, after "party," insert "Coercive control does not include withholding a cell phone from a minor child so long as the child has other means of communicating with both parents and emergency services."

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1404 by Senator Wagoner on page 11, line 2 to the committee striking amendment.

The motion by Senator Wagoner did not carry and amendment no. 1404 was not adopted by voice vote.

## MOTION

Senator Gildon moved that the following amendment no. 1405 by Senator Gildon be adopted:

On page 11, line 2, after "party," insert "Coercive control also does not include actions taken by a parent or legal guardian in good faith for the legitimate and lawful purpose of raising their children according to sincerely held religious beliefs or established societal norms that do not interfere with local, state, or federal law."

Senators Gildon, Fortunato, Padden, Wagoner and McCune spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Dhingra and Rivers spoke against adoption of the amendment to the committee striking amendment.

## MOTION

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 11, line 2 to the committee striking amendment.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Excused: Senator Robinson.

## MOTION

Senator Muzzall moved that the following amendment no. 1406 by Senator Muzzall be adopted:

On page 11, line 2, after "party," insert "Coercive control does not include using a raised voice during conversation unless accompanied by other coercive conduct."

Senators Muzzall and Dhingra spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1406 by Senator Muzzall on page 11, line 2 to the committee striking amendment.

The motion by Senator Muzzall did not carry and amendment no. 1406 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1901.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1901 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Trudeau, Lias and Sheldon spoke in favor of passage of the bill.

Senators Padden, Gildon, Fortunato, Wilson, L. and McCune spoke against passage of the bill.

Senator Muzzall spoke on passage of the bill.

#### MOTION

On motion of Senator Wagoner, Senator Sefzik was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1901 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1901 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Froct, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Robinson and Sefzik

SUBSTITUTE HOUSE BILL NO. 1901 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1818, by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby)

Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

The measure was read the second time.

#### MOTION

Senator Fortunato moved that the following amendment no. 1412 by Senator Fortunato be adopted:

On page 6, line 11, after "reoffend" insert "

(c) Individuals who receive rental housing vouchers under this section for more than three months must reimburse the department for 25 percent of the cost of the voucher for each month beyond the third month"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wilson, C. spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1412 by Senator Fortunato on page 6, line 11 to Second Substitute House Bill No. 1818.

The motion by Senator Fortunato did not carry and amendment no. 1412 was not adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 1818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Gildon and Holy spoke in favor of passage of the bill.

Senators Fortunato and McCune spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1818.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1818 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Froct, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930, by House Committee on Consumer Protection & Business (originally sponsored by Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham)

Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1930 was advanced to third

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1930.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1930 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5974 with the following amendment(s): 5974-S.E AMH ENGR H2869.E

Strike everything after the enacting clause and insert the following:

#### "Part I

##### Climate Commitment Act Allocations

**Sec. 101.** RCW 70A.65.240 and 2021 c 316 s 27 are each amended to read as follows:

(1) The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution, other than specified in this section, and shall be made in accordance with subsection (2) of this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions

be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

(2) Appropriations in an omnibus transportation appropriations act from the carbon emissions reduction account shall be made exclusively to fund the following activities:

(a) Active transportation;

(b) Transit programs and projects;

(c) Alternative fuel and electrification;

(d) Ferries; and

(e) Rail.

NEW SECTION. Sec. 102. The legislature intends to program funding from the carbon emissions reduction account, the climate active transportation account, and the climate transit programs account for the activities identified in LEAP Transportation Document 2022-A as developed February 8, 2022.

NEW SECTION. Sec. 103. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2022, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account.

NEW SECTION. Sec. 104. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2022, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account.

**Sec. 105.** RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((or))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, or the climate active transportation account created in section 103 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from

environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((and))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, or the climate active transportation account created in section 103 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 314, Laws of 2021, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

**Sec. 106.** RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060 through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240 ~~((and from))~~, the climate investment account created in RCW 70A.65.250, the climate transit programs account created in section 104 of this act, and the climate active transportation account created in section 103 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and

trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

**Part II**

**Aircraft Fuel Tax, Stolen Vehicle Check, Dealer Temporary Permit, Enhanced Driver's License and Identocard, Driver's Abstract, License Plate, Documentary Service, and Other Driver and Vehicle Fees**

**Sec. 201.** RCW 82.42.020 and 2013 c 225 s 302 are each amended to read as follows:

There is levied upon every distributor of aircraft fuel, an excise tax at the rate of ~~((eleven))~~ 18 cents on each gallon of aircraft fuel sold, delivered, or used in this state. There must be collected from every user of aircraft fuel either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020. The taxes imposed by this chapter must be collected and paid to the state but once in respect to any aircraft fuel.

**Sec. 202.** RCW 46.17.200 and 2014 c 80 s 4 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment or qualifies for a reduced original license plate fee as provided in (e) of this subsection:

FEE TYPE	FEE	DISTRIBUTION
Original issue	<del>((10.00))</del> <u>\$50.00</u>	RCW 46.68.070
Reflectivity	\$2.00	RCW 46.68.070
Replacement	<del>((10.00))</del> <u>\$30.00</u>	RCW 46.68.070
Original issue, motorcycle	<del>((4.00))</del> <u>\$20.00</u>	RCW 46.68.070

Replacement, motorcycle	<del>(\$4.00)</del> \$12.00	RCW 46.68.070	(a) Dealer temporary	<del>(\$15.00)</del> \$40.00	RCW 46.16A.300	RCW 46.68.030
Original issue, moped	\$1.50	RCW 46.68.070	(b) Department temporary	\$ .50	RCW 46.16A.305	RCW 46.68.450
(b) A license plate retention fee, as required under RCW 46.16A.200(9)(a), of <del>((twenty dollars))</del> \$20 if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The <del>((twenty dollar))</del> \$20 fee must be deposited in the multimodal transportation account created in RCW 47.66.070.			(c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
(c) A <del>((ten dollar))</del> \$10 license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The <del>((ten dollar))</del> \$10 license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.			(d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a <del>((five dollar))</del> \$5 license plate fee, in addition to any other fee required by law.			(e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
(e) <u>An original issue license plate fee of \$40 for each plate if the vehicle is a used car as defined in RCW 46.04.660.</u>			(f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to <del>((five dollars))</del> \$5 per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.			(g) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
(3) <u>\$40 of the original issue license plate fee imposed under subsection (1)(a) of this section, \$30 of the original issue license plate fee imposed under subsection (1)(e) of this section, and \$16 of the original issue motorcycle license plate fee imposed under subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act.</u>			(h) Vehicle trip	\$25.00	RCW 46.16A.320	RCW 46.68.455

(2) Permit fees as provided in subsection (1) of this section are in addition to the filing fee required under RCW 46.17.005, except an additional filing fee may not be charged for:

- (a) Dealer temporary permits;
- (b) Special fuel trip permits; and
- (c) Vehicle trip permits.

(3) ~~((Five dollars))~~ \$5 of the ~~((fifteen dollar))~~ \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be credited to the payment of vehicle license fees at the time application for registration is made. \$25 of the \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act. The remainder must be deposited to the state patrol highway account created in RCW 46.68.030.

**Sec. 205.** RCW 46.20.202 and 2021 c 317 s 21 and 2021 c 158 s 9 are each reenacted and amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identocard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identocard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identocard, or an enhanced driver's license or identocard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identocard. An applicant for an enhanced driver's license or identocard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identocard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington

**Sec. 203.** RCW 46.17.120 and 2020 c 239 s 1 are each amended to read as follows:

(1) Before accepting an application for a certificate of title for a vehicle previously registered in any other state or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fee of ~~((fifteen dollars))~~ \$50. ~~((The fifteen dollar fee))~~

(a) \$15 of the fee required by this section must be distributed under RCW 46.68.020.

(b) \$35 of the fee required by this section must be deposited in the move ahead WA account created in section 401 of this act.

(2) An applicant is exempt from the ~~((fifteen dollar))~~ \$50 fee if the applicant previously registered the vehicle in Washington state and maintained ownership of the vehicle while registered in another state or country.

**Sec. 204.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to read as follows:

(1) Before accepting an application for one of the following permits, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay the following permit fee by permit type in addition to any other fee or tax required by law:

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
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state residents. If the enhanced driver's license or identicaid includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicaid. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning ~~((on July 23, 2017))~~ October 1, 2022, the fee for an enhanced driver's license or enhanced identicaid is ~~((thirty two dollars))~~ \$56, which is in addition to the fees for any regular driver's license or identicaid. If the enhanced driver's license or enhanced identicaid is issued, renewed, or extended for a period other than eight years, the fee for each class is ~~((four dollars))~~ \$7 for each year that the enhanced driver's license or enhanced identicaid is issued, renewed, or extended.

(5)(a) The first \$4 per year of issuance, to a maximum of \$32 of the enhanced driver's license and enhanced identicaid fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a)(i) or ((b)) (ii) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

~~((b))~~ (i) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

~~((b))~~ (ii) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

~~((c))~~ (iii) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) \$24 of the enhanced driver's license and enhanced identicaid fee under this section must be deposited into the move ahead WA flexible account created in section 402 of this act. If the enhanced driver's license or enhanced identicaid is issued, renewed, or extended for a period other than eight years, the amount deposited into the move ahead WA flexible account created in section 402 of this act is \$3 for each year that the enhanced driver's license or enhanced identicaid is issued, renewed, or extended.

**Sec. 206.** RCW 46.52.130 and 2021 c 93 s 8 are each amended to read as follows:

Upon a proper request, the department may only furnish information contained in an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

- (i) The total number of vehicles involved;
- (ii) Whether the vehicles were legally parked or moving;
- (iii) Whether the vehicles were occupied at the time of the accident; and
- (iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** Unless otherwise required in this section, the release of an abstract does not require a signed statement by the subject of the abstract. An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or agents acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) The department may provide employers or their agents a three-year insurance carrier driving record of existing employees only for the purposes of sharing the driving record with its insurance carrier for underwriting. Employers may not provide the employees' full driving records to its insurance carrier.

(iii) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or the agent(s) acting on behalf of an employer or prospective employer of the named individual for purposes unrelated to driving by the individual when a driving record is required by federal or state law, or the employee or prospective employee will be handling heavy equipment or machinery.

(iv) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes agents to obtain this information on their behalf, this must be noted in the statement. The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law. The employer or prospective employer

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(v) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(vi) No employer or prospective employer, nor any agents of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law. The employee or prospective employee must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agents of the employer or prospective employer, as may be required to ensure the application of this subsection.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agents of a transit authority checking prospective or existing volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agents:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty, or by registered tow truck operators as defined in RCW 46.55.010 in the performance of their occupational duties while at the scene of a roadside impound or recovery so long as they are not issued a citation. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution

under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agents, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agents, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles. For the purposes of this subsection, "commercial motor vehicle" has the same meaning as in RCW 46.25.010(6).

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of health to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031, or their agents, for employment and risk management purposes. "Unit of local government" includes an insurance pool established under RCW 48.62.031.

(i) **Superintendent of public instruction.** (i) An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(ii) The superintendent of public instruction is exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

(j) **State and federal agencies.** An abstract of the driving record maintained by the department may be furnished to state and federal agencies, or their agents, in carrying out its functions.

(k) **Transportation network companies.** An abstract of the full driving record maintained by the department may be furnished to a transportation network company or its agents acting on its behalf of the named individual for purposes related to driving by the individual as a condition of being a contracted driver.

(l) **Research.** (i) The department may furnish driving record data to state agencies and bona fide scientific research organizations. The department may require review and approval by an institutional review board. For the purposes of this subsection, "research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, or by a scientific research professional associated with a bona fide scientific research organization with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(ii) The state agency, or a scientific research professional associated with a bona fide scientific research organization, are exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section. However, the department may charge a cost-recovery fee for the actual cost of providing the data.

(3) **Reviewing of driving records.** (a) In addition to the methods described herein, the director may enter into a contractual agreement for the purpose of reviewing the driving records of existing employees for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that does not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(b) The department may provide reviewing services to the following entities:

- (i) Employers for existing employees, or their agents;
- (ii) Transit authorities for current vanpool drivers, or their agents;
- (iii) Insurance carriers for current policyholders, or their agents;
- (iv) State colleges, universities, or agencies, or units of local government, or their agents;
- (v) The office of the superintendent of public instruction for school bus drivers statewide; and
- (vi) Transportation network companies, or their agents.

(4) **Release to third parties prohibited.** (a) Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (l) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(b) The following release of records to third parties are hereby authorized:

- (i) Employers may divulge driving records to regulatory bodies, as defined by the department by rule, such as the United States department of transportation and the federal motor carrier safety administration.
- (ii) Employers may divulge a three-year driving record to their insurance carrier for underwriting purposes.
- (iii) Employers may divulge driving records to contracted motor carrier consultants for the purposes of ensuring driver compliance and risk management.

(5) ~~((Fee:)) Fees.~~ (a) The director shall collect a ~~((thirteen dollar))~~ \$15 fee for each abstract of a person's driving record furnished by the department. After depositing \$2 of the driver's abstract fee in the move ahead WA flexible account created in section 402 of this act, the remainder shall be distributed as follows:

~~((of the fee))~~ (i) Fifty percent ~~((of the fee))~~ must be deposited in the highway safety fund~~((:));~~ and ~~((fifty))~~

(ii) Fifty percent ~~((of the fee))~~ must be deposited according to RCW 46.68.038.

(b) Beginning July 1, 2029, the director shall collect an additional \$2 fee for each abstract of a person's driving record furnished by the department. The \$2 additional driver's abstract fee must be deposited in the move ahead WA flexible account created in section 402 of this act.

(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings.

(6) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(7) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

**Sec. 207.** RCW 46.17.015 and 2010 c 161 s 502 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a ~~((twenty-five))~~ 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

**Sec. 208.** RCW 46.17.025 and 2010 c 161 s 503 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a ~~((fifty))~~ 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license service fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

**Sec. 209.** RCW 46.20.200 and 2012 c 80 s 10 are each amended to read as follows:

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of ~~((twenty dollars))~~ \$20 to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ~~((ten dollars))~~ \$20 and surrender of the permit, identicard, or driver's license being replaced.

**Sec. 210.** RCW 46.68.041 and 2020 c 330 s 18 are each amended to read as follows:

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department ~~((shall))~~ must forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who ~~((shall))~~ must deposit such moneys to the credit of the highway safety fund.

(2) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) ~~((shall))~~ must be deposited in the impaired driving safety account.

(3) Fifty percent of the revenue from the fees imposed under RCW 46.20.200(2) must be deposited in the move ahead WA flexible account created in section 402 of this act.

**Sec. 211.** RCW 46.70.180 and 2017 c 41 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed ~~((one hundred fifty dollars))~~ \$200 per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as

the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to ~~((one hundred fifty dollars))~~ \$200 may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within the "bushing" period, which is four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer,

or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

A dealer may inform a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by sending an email message to the buyer's or lessee's supplied email address, by phone call, by leaving a voice message or sending a text message to a phone number provided by the buyer or lessee, by in-person oral communication, by mailing a letter by first-class mail if the buyer or lessee expresses a preference for a letter or declines to provide an email address and a phone number capable of receiving a free text message, or by another means agreed to by the buyer or lessee or approved by the department, effective upon the execution, mailing, or sending of the communication and before expiration of the "bushing" period;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of (~~five hundred~~) 500 miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and

executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or ~~((one thousand dollars))~~ \$1,000, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

### Part III

#### General Fund and Other Related Support

**Sec. 301.** RCW 82.32.385 and 2020 c 219 s 703 are each amended to read as follows:

(1) Beginning September 2019 and ending December 2019, by the last day of September and December, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 ~~((thirteen million six hundred eighty thousand dollars))~~ \$13,680,000.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 ~~((thirteen million six hundred eighty thousand dollars))~~ \$13,680,000.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395

~~((thirteen million eight hundred five thousand dollars))~~  
\$13,805,000.

(4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 ~~((thirteen million nine hundred eighty seven thousand dollars))~~  
\$13,987,000.

(5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 ~~((eleven million six hundred fifty eight thousand dollars))~~  
\$11,658,000.

(6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 ~~((seven million five hundred sixty four thousand dollars))~~  
\$7,564,000.

(7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 ~~((four million fifty six thousand dollars))~~  
\$4,056,000.

(8) For fiscal year 2026 through fiscal year 2038, the state treasurer must transfer from the general fund to the move ahead WA flexible account created in section 402 of this act \$31,000,000 each fiscal year in four equal quarterly transfers. This amount represents the estimated state sales and use tax generated from new transportation projects and activities funded as a result of this act.

**Sec. 302.** RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than ~~((twenty))~~ 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ~~((ten))~~ 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During

the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in section 401 of this act \$100,000,000 each fiscal year in four equal quarterly transfers.

**Sec. 303.** RCW 82.08.993 and 2021 c 171 s 2 are each amended to read as follows:

(1)(a) Subject to the limitations in this subsection, beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, ~~((fifty))~~ 50 percent of the tax levied by RCW 82.08.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b)(i) By the end of the fifth working day of each month, until the expiration of the exemption as described in (c) of this subsection, the department must determine the cumulative number of vehicles that have claimed the exemption as described in (a) of this subsection.

(ii) The department of licensing must collect and provide, upon request, information in a form or manner as required by the department to determine the number of exemptions that have been claimed.

(c) The exemption under this section expires after the last day of the calendar month immediately following the month the department determines that the total number of vehicles exempt under (a) of this subsection reaches 650. All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under (a) of this subsection on lease payments due through the remainder of the lease.

(d) The department must provide notification on its website monthly on the amount of exemptions that have been applied for, the amount issued, and the amount remaining before the limit described in (c) of this subsection has been reached, and, once that limit has been reached, the date the exemption expires pursuant to (c) of this subsection.

(e) A person may not claim the exemption under this subsection if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(f) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire tax levied by RCW 82.08.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3)(a) For qualifying vehicles sold by a person licensed to do business in the state of Washington, the seller must keep records

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

necessary for the department to verify eligibility under this section. The seller reporting the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) For vehicles purchased from (i) a seller that is not licensed to do business in the state of Washington, or (ii) a private party, the buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; date of sale; sales price; and the total amount qualifying for the incentive claimed for each vehicle. This information must be provided in a form and manner prescribed by the department.

(4)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section and RCW 82.12.817 until the expiration of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria.

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsections (1) and (2) of this section.

~~(5) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(6))~~ By the last day of August 2023, and annually thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of fuel cell electric vehicles that qualified for the exemptions under this section and RCW 82.12.817 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and RCW 82.12.817; and estimates of the future costs of leased vehicles that qualified for the exemptions under this section and RCW 82.12.817.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((8))~~ (7) For the purposes of this section:

(a) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(b) "Fuel cell" means a technology that uses an electrochemical reaction to generate electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Selling price" and "sales price" have the same meaning as in RCW 82.08.010.

(e) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((9))~~ (8) This section expires June 30, 2029.

**Sec. 304.** RCW 82.12.817 and 2021 c 171 s 3 are each amended to read as follows:

(1) Subject to the limitations in this subsection and RCW 82.08.993(1)(c), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, ~~((fifty))~~ 50 percent of the tax levied by RCW 82.12.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire tax levied by RCW 82.12.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3) The buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

~~(4) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~

~~(5))~~ (5)(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((6))~~ (5) The definitions in RCW 82.08.993 apply to this section.

~~((7))~~ (6) This section expires June 30, 2029.

**Sec. 305.** RCW 82.08.9999 and 2021 c 145 s 13 are each amended to read as follows:

(1) Beginning August 1, 2019, with sales made or lease agreements signed on or after the qualification period start date:

(a) The tax levied by RCW 82.08.020 does not apply as provided in (b) of this subsection to sales or leases of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least ~~((thirty))~~ 30 miles using only battery power; and

(iii)(A) Have a vehicle selling price plus trade-in property of like kind for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000;

(b)(i) The exemption in this section is applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's selling price, for sales made; or

(B) The total lease payments made plus any additional selling price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty five thousand dollars))~~ \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty thousand dollars))~~ \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is ~~((fifteen thousand dollars))~~ \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is ~~((sixteen thousand dollars))~~ \$16,000.

(2) The seller must keep records necessary for the department to verify eligibility under this section. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(3)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section or RCW 82.12.9999 until the expiration date of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria. A seller is not responsible for repayment of the tax exemption under this section and RCW 82.12.9999 for a vehicle if the department of licensing's published list of qualifying vehicle models on the purchase date or the date the lease agreement was signed includes the vehicle model and the department of licensing subsequently removes the vehicle model from the published list, and, if applicable, the vehicle meets the qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

~~(4) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(5))~~ By the last day of October 2019, and every six months thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of vehicles that qualified for the exemption under this section and RCW 82.12.9999 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and RCW 82.12.9999; and estimates of the future costs of leased vehicles that qualified for the exemption under this section and RCW 82.12.9999.

~~((6))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2019, and the rules of the Washington state department of ecology.

(b) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Qualification period end date" means August 1, 2025.

(e) "Qualification period start date" means August 1, 2019.

(f) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~((8))~~ (7) This section expires August 1, 2028.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

~~((9))~~ (8) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

**Sec. 306.** RCW 82.12.9999 and 2019 c 287 s 10 are each amended to read as follows:

(1) Beginning August 1, 2019, beginning with sales made or lease agreements signed on or after the qualification period start date:

(a) The provisions of this chapter do not apply as provided in (b) of this subsection in respect to the use of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

- (i) Are exclusively powered by a clean alternative fuel; or
- (ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least ~~((thirty))~~ 30 miles using only battery power; and

(iii)(A) Have a fair market value at the time use tax is imposed for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000;

(b)(i) The exemption in this section is only applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's purchase price, for sales made; or

(B) The total lease payments made plus any additional purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty five thousand dollars))~~ \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty thousand dollars))~~ \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is ~~((fifteen thousand dollars))~~ \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is ~~((sixteen thousand dollars))~~ \$16,000.

(2)(a) The seller must keep records necessary for the department to verify eligibility under this section, except as provided in (b) of this subsection. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or

start date of lease; length of lease; fair market value of the vehicle; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) (a) of this subsection applies only if the seller or person claiming the exemption is a vehicle dealer, as defined under RCW 46.70.011. When the seller is not a vehicle dealer, the department of licensing must establish a process for granting the tax exemption under this section for use tax otherwise collected at the time the ownership of a vehicle is transferred when the vehicle qualifies for the use tax exemption under subsection (1)(a) of this section, and must provide any information required under (a) of this subsection that it obtains as part of the vehicle titling and registration process for these vehicles to the department on at least a quarterly basis.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~

~~(4))(a) Vehicles purchased or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.~~

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~((5))~~ (4) The definitions in RCW 82.08.9999 apply to this section.

~~((6))~~ (5) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

~~((7))~~ (6) This section expires August 1, 2028.

**Sec. 307.** RCW 82.04.4496 and 2019 c 287 s 8 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	75% of incremental cost	\$50,000	\$2,000,000
Above 26,500 pounds	75% of incremental cost	\$100,000	\$2,000,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~((fifty))~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a

component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of (~~two million dollars~~) \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.16.0496 is subject to a maximum annual credit amount of (~~six million dollars~~) \$6,000,000, and a maximum total credit amount of (~~thirty-two and one-half million dollars~~) \$32,500,000 since the credit became available on July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of (~~twenty-five thousand dollars~~) \$25,000 or (~~fifty~~) 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of (~~two hundred fifty thousand dollars~~) \$250,000 or (~~twenty-five~~) 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.16 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.16.0496, during any calendar year to exceed (~~six million dollars~~) \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.16.0496 to exceed (~~thirty-two and one-half million dollars~~) \$32,500,000. The department must provide notification on its website monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within (~~fifteen~~) 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within (~~thirty~~) 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of each vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within ~~((fifteen))~~ 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within ~~((fifteen))~~ 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within ~~((fifteen))~~ 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

~~((a)) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~((b)) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~((15))~~ The department must conduct outreach to interested parties to obtain input on how best to streamline the application process required for the credit made available in this section and RCW 82.16.0496 to further adoption of alternative fuel technologies in commercial vehicle fleets, and must incorporate the findings resulting from this outreach effort into the rules and practices it adopts to implement and administer this section and RCW 82.16.0496 to the extent permitted under law.

~~((16))~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative fuel vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a clean alternative fuel vehicle.

(b) "Auto transportation company" means any corporation or person owning, controlling, operating, or managing any motor propelled vehicle, used in the business of transporting persons for

compensation over public highways within the state of Washington, between fixed points or over a regular route. For the purposes of this section, "auto transportation company" also includes the following categories of providers irrespective of whether they provide service between fixed points or over a regular route: "Private, nonprofit transportation provider" as defined in RCW 81.66.010, "charter party carrier" as defined in RCW 81.70.020, and paratransit service providers who primarily provide special needs transportation to individuals with disabilities and the elderly.

(c) "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

(d) "Commercial vehicle" means any commercial vehicle that is purchased by a private business and that is used exclusively in the provision of commercial services or the transportation of commodities, merchandise, produce, refuse, freight, animals, or passengers, and that is displaying a Washington state license plate. All commercial vehicles that provide transportation to passengers must be operated by an auto transportation company.

(e) "Gross capitalized cost" means the agreed upon value of the commercial vehicle and including any other items a person pays over the lease term that are included in such cost.

(f) "Lease reduction factor" means the vehicle gross capitalized cost less the residual value, divided by the gross capitalized cost.

(g) "Qualifying used commercial vehicle" means vehicles that:

(i) Have an odometer reading of less than ~~((four hundred fifty thousand))~~ 450,000 miles;

(ii) Are less than ~~((ten))~~ 10 years past their original date of manufacture;

(iii) Were modified after the initial purchase with a United States environmental protection agency certified conversion that would allow the propulsion units to be principally powered by a clean alternative fuel; and

(iv) Are being sold for the first time after modification.

(h) "Residual value" means the lease-end value of the vehicle as determined by the lessor, at the end of the lease term included in the lease contract.

~~((17))~~ (16) Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

**Sec. 308.** RCW 82.16.0496 and 2019 c 287 s 13 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	75% of incremental cost	\$50,000	\$2,000,000

Above 26,500 pounds	75% of incremental cost	\$100,000	\$2,000,000
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(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~((fifty))~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of ~~((two million dollars))~~ \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.04.4496 is subject to a maximum annual credit amount of ~~((six million dollars))~~ \$6,000,000, and a maximum total credit amount of ~~((thirty two and one half million dollars))~~ \$32,500,000 beginning July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of ~~((twenty five thousand dollars))~~ \$25,000 or ~~((fifty))~~ 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of ~~((two hundred fifty thousand dollars))~~ \$250,000 or ~~((twenty five))~~ 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.04.4496, during any calendar year to exceed ~~((six million dollars))~~ \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.04.4496 to exceed ~~((thirty two and one half million dollars))~~ \$32,500,000. The department must provide notification on its website monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within ~~((fifteen))~~ 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within ~~((thirty))~~ 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of the vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within ~~((fifteen))~~ 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within ~~((fifteen))~~ 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within ~~((fifteen))~~ 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) The definitions in RCW 82.04.4496 apply to this section.

(14) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

~~(15)((a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~(16))~~ Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

**Sec. 309.** RCW 82.08.816 and 2019 c 287 s 11 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations;

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~((5))~~ (4) This section expires July 1, 2025.

**Sec. 310.** RCW 82.12.816 and 2019 c 287 s 12 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ This section expires July 1, 2025.

**Sec. 311.** RCW 82.70.040 and 2016 c 32 s 3 are each amended to read as follows:

(1)(a) The department must keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department may not allow any credits that would cause the total amount allowed to exceed ~~((two million seven hundred fifty thousand dollars))~~ \$2,750,000 in any fiscal year.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department must ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. For credits approved by the department through June 30, 2015, the approved credit may be carried forward and used for tax reporting periods through December 31, 2016. Credits approved after June 30, 2015, must be used for tax reporting periods within the calendar year for which they are approved by the department and may not be carried forward to subsequent tax reporting periods. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person may be approved for tax credits under RCW 82.70.020 in excess of ~~((one hundred thousand dollars))~~ \$100,000 in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, 2024.

~~((5) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by chapter 361, Laws of 2003 are terminated.)~~

**Sec. 312.** RCW 82.70.050 and 2015 3rd sp.s. c 44 s 415 are each amended to read as follows:

~~((4))~~ The director must on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under RCW 82.70.020 during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

~~((2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must deposit to the general fund a sum equal to the dollar amount of the credit provided under RCW 82.70.020 from the multimodal transportation account.~~

~~(3) This section expires January 1, 2025.)~~

**Sec. 313.** RCW 82.21.030 and 2021 c 333 s 705 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection, except that during the 2021-2023 biennium

FIFTY THIRD DAY, MARCH 3, 2022

the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, (~~(fifty million dollars)~~ \$50,000,000 per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act enacted after June 30, 2023, in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed (~~(two billion dollars)~~ \$2,000,000,000 per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent (~~(twelve month)~~ 12-month period ending December 31st of the prior year.

#### Part IV

#### Account Creation, Local Options, and Other Provisions

NEW SECTION. **Sec. 401.** A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as move ahead WA projects or improvements in an omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. **Sec. 402.** A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA flexible account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation projects, programs, or activities identified as move ahead WA flexible projects, programs, or activities in an omnibus transportation appropriations act.

**Sec. 403.** RCW 43.84.092 and 2021 c 199 s 504 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility

multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined

plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 404.** RCW 43.84.092 and 2021 c 199 s 505 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account,

the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 405.** RCW 82.47.020 and 1991 c 173 s 1 are each amended to read as follows:

(1) The legislative authority of a border area jurisdiction may, by resolution for the purposes authorized in this chapter and by approval of a majority of the registered voters of the jurisdiction voting on the proposition at a general or special election, fix and impose an excise tax on the retail sale of motor vehicle fuel and special fuel within the jurisdiction. An election held under this section must be held not more than ~~((twelve))~~ 12 months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition ~~((shall))~~ must state the tax rate that is proposed. The rate of such tax ~~((shall be in increments of one-tenth of a cent per gallon and shall))~~ may not exceed ~~((one cent))~~

two cents per gallon for ballot propositions submitted in calendar year 2022.

(2) The tax imposed in this section shall be collected and paid to the jurisdiction but once in respect to any motor vehicle fuel or special fuel. This tax shall be in addition to any other tax authorized or imposed by law.

(3) For purposes of this chapter, the term "border area jurisdictions" means all cities and towns within ~~((ten))~~ 10 miles of an international border crossing and any transportation benefit district established under RCW 36.73.020 which has within its boundaries an international border crossing.

**Sec. 406.** RCW 36.73.065 and 2015 3rd sp.s. c 44 s 309 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, except:

(a) If authorized by the district voters pursuant to RCW 36.73.160;

(b) With respect to a change in a rebate program, a material change policy adopted pursuant to RCW 36.73.160 is followed and the change does not reduce the percentage level or rebate amount;

(c) For up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty-four))~~ 24 months; ~~((or))~~

(d) For up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((forty dollars))~~ \$40 has been imposed for at least ~~((twenty-four))~~ 24 months and a district has met the requirements of subsection (6) of this section; or

(e) For up to three-tenths of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, pursuant to the sales and use tax authorized in RCW 82.14.0455.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees, taxes, and charges:

(i) Up to ~~((twenty dollars))~~ \$20 of the vehicle fee authorized in RCW 82.80.140;

(ii) Up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty-four))~~ 24 months;

(iii) Up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of forty dollars has been imposed for at least ~~((twenty-four))~~ 24 months and a district has met the requirements of subsection (6) of this section; ~~((or))~~

(iv) A fee or charge in accordance with RCW 36.73.120; or

(v) Up to one-tenth of one percent of the sales and use tax in accordance with RCW 82.14.0455.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities may not impose the fees or charges identified in (a) of this subsection within ~~((one hundred eighty))~~ 180 days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the ~~((one hundred eighty day))~~ 180-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to: (a) ~~((Twenty dollars))~~ \$20 of the vehicle fee authorized in RCW 82.80.140, (b) ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 if a fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty-four))~~ 24 months, or (c) ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of ~~((forty dollars))~~ \$40 has been imposed for at least ~~((twenty-four))~~ 24 months and a district has met the requirements of subsection (6) of this section.

(6) If a district intends to impose a vehicle fee of more than ~~((forty dollars))~~ \$40 by a majority vote of the governing body of the district, the governing body must publish notice of this intention, in one or more newspapers of general circulation within the district, by April 1st of the year in which the vehicle fee is to be imposed. If within ~~((ninety))~~ 90 days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to impose the vehicle fee must then be submitted to the voters of the district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The vehicle fee may then be imposed only if approved by a majority of the voters of the district voting on the proposition.

**Sec. 407.** RCW 82.14.0455 and 2010 c 105 s 3 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed ~~((two-tenths))~~ three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. Except as provided in subsection (2) of this section, the tax may not be imposed for a period exceeding ~~((ten))~~ 10 years. This tax, if not imposed under the conditions of subsection (2) of this section, may be extended for a period not exceeding ~~((ten))~~ 10 years with an affirmative vote of the voters voting at the election or a majority vote of the governing board of the district. The governing board of the district may only fix, impose, or extend a sales and use tax of up to one-tenth of one percent of the

FIFTY THIRD DAY, MARCH 3, 2022

selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The voter-approved sales tax initially imposed under this section after July 1, 2010, may be imposed for a period exceeding ~~(ten)~~ 10 years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW.

(3) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

**NEW SECTION. Sec. 408.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of RCW 70A.535.030; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of RCW 70A.535.030.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2038 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional one percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No change in 2032 and 2033.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023.

(6) Beginning with the program year beginning in calendar year 2028, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the department demonstrates that the following have occurred:

(a) At least a 15 percent net increase in the volume of in-state liquid biofuel production and the use of feedstocks grown or produced within the state relative to the start of the program; and

(b) At least one new or expanded biofuel production facility representing an increase in production capacity or producing, in total, in excess of 60,000,000 gallons of biofuels per year has or have received after July 1, 2021, all necessary siting, operating, and environmental permits post all timely and applicable appeals. As part of the threshold of 60,000,000 gallons of biofuel under this subsection, at least one new facility producing at least 10,000,000 gallons per year must have received all necessary siting, operating, and environmental permits. Timely and applicable appeals must be determined by the attorney general's office.

(7) Beginning with the program year beginning in calendar year 2031, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the:

(a) Joint legislative audit and review committee report required in RCW 70A.535.140 has been completed; and

(b) 2033 regular legislative session has adjourned, in order to allow an opportunity for the legislature to amend the requirements of this chapter in light of the report required in (a) of this subsection.

(8) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(9) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

**Sec. 409.** RCW 70A.535.010 and 2021 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under ~~((RCW 70A.535.020))~~ section 408 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to

one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under ((RCW 70A.535.020)) section 408 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

**Sec. 410.** RCW 70A.535.030 and 2021 c 317 s 4 are each amended to read as follows:

The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in ((RCW 70A.535.020)) section 408 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in ((RCW 70A.535.020)) section 408 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under ((RCW 70A.535.020)) section 408 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in RCW 70A.535.040, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in ((RCW 70A.535.020)) section 408 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms must include the credit clearance market specified in subsection (8) of this section and may also include, but are not limited to:

(i) Procedures similar to the credit clearance market required in subsection (8) of this section that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(ii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in RCW 70A.535.060(1).

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in RCW 70A.535.060(1);

(8)(a)(i) A credit clearance market for any compliance period in which at least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program

during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator that holds excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits from sale in any transaction outside of the credit clearance market until the end of the credit clearance market, or if no credit clearance market is held in a given year, then until the date on which the department announces it will not be held.

(c)(i) The department shall set a maximum price for credits in a credit clearance market, consistent with states that have adopted similar clean fuels programs, not to exceed \$200 in 2018 dollars for 2023.

(ii) For 2024 and subsequent years, the maximum price may exceed \$200 in 2018 dollars, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2024, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis including, but not limited to, issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any other form of noncompliance on the part of the generator of the credit, the department may not pursue civil penalties against, or require

credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market;

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

**Sec. 411.** RCW 70A.535.040 and 2021 c 317 s 5 are each amended to read as follows:

(1) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must exempt the following transportation fuels from greenhouse gas emissions intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emissions intensity reduction requirements applicable to transportation fuels specified in (~~RCW 70A.535.020~~) section 408 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to July 25, 2021, or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

**Sec. 412.** RCW 70A.535.050 and 2021 c 317 s 6 are each amended to read as follows:

(1) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. The department must limit the number of credits that may be earned each year under subsection (3) of this section to 10 percent of the total program credits. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

**Sec. 413.** RCW 70A.535.120 and 2021 c 317 s 13 are each amended to read as follows:

(1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under (~~RCW 70A.535.020~~) section 408 of this act no later than 15 calendar days after the date the

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under RCW 70A.535.030 if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in

RCW 70A.535.100, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. Sec. 414. RCW 70A.535.020 (Carbon intensity of transportation fuels—Standards to reduce carbon intensity—Adoption of rules) and 2021 c 317 s 3 are each repealed.

NEW SECTION. Sec. 415. (1) A target is established for the state that all publicly owned and privately owned passenger and light duty vehicles of model year 2030 or later that are sold, purchased, or registered in Washington state be electric vehicles.

(2) On or before December 31, 2023, the interagency electric vehicle coordinating council created in section 428 of this act shall complete a scoping plan for achieving the 2030 target.

NEW SECTION. Sec. 416. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a bus and bus facilities grant program. The purpose of this competitive grant program is to provide grants to any transit authority for the replacement, expansion, rehabilitation, and purchase of transit rolling stock; construction, modification, or rehabilitation of transit facilities; and funding to adapt to technological change or innovation through the retrofitting of transit rolling stock and facilities.

(2)(a) The department must incorporate environmental justice principles into the grant selection process, with the goal of increasing the distribution of funding to communities based on addressing environmental harms and provide environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(b) The department must incorporate geographic diversity into the grant selection process.

(c) No grantee may receive more than 35 percent of the amount appropriated for the grant program in a particular biennium.

(d) Fuel type may not be a factor in the grant selection process.

(3) The department must establish an advisory committee to carry out the mandates of this section, including assisting with the establishment of grant criteria.

(4) The department must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For the purposes of this section:

(a) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

(b) "Transit rolling stock" means transit vehicles including, but not limited to, buses, ferries, and vans.

NEW SECTION. Sec. 417. A new section is added to chapter 47.04 RCW to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments

in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, the connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting

communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

**NEW SECTION. Sec. 418.** A new section is added to chapter 47.24 RCW to read as follows:

(1) In order to improve the safety, mobility, and accessibility of state highways, it is the intent of the legislature that the department must incorporate the principles of complete streets with facilities that provide street access with all users in mind, including pedestrians, bicyclists, and public transportation users, notwithstanding the provisions of RCW 47.24.020 concerning responsibility beyond the curb of state rights-of-way. As such, state transportation projects starting design on or after July 1, 2022, and that are \$500,000 or more, must:

(a) Identify those locations on state rights-of-way that do not have a complete and Americans with disabilities act accessible sidewalk or shared-use path, that do not have bicycle facilities in the form of a bike lane or adjacent parallel trail or shared-use path, that have such facilities on a state route within a population center that has a posted speed in excess of 30 miles per hour and no buffer or physical separation from vehicular traffic for pedestrians and bicyclists, and/or that have a design that hampers the ability of motorists to see a crossing pedestrian with sufficient time to stop given posted speed limits and roadway configuration;

(b) Consult with local jurisdictions to confirm existing and planned active transportation connections along or across the location; identification of connections to existing and planned public transportation services, ferry landings, commuter and passenger rail, and airports; the existing and planned facility type(s) within the local jurisdiction that connect to the location; and the potential use of speed management techniques to minimize crash exposure and severity;

(c) Adjust the speed limit to a lower speed with appropriate modifications to roadway design and operations to achieve the desired operating speed in those locations where this speed management approach aligns with local plans or ordinances, particularly in those contexts that present a higher possibility of serious injury or fatal crashes occurring based on land use context, observed crash data, crash potential, roadway characteristics that are likely to increase exposure, or a combination thereof, in keeping with a safe system approach and with the intention of ultimately eliminating serious and fatal crashes; and

(d) Plan, design, and construct facilities providing context-sensitive solutions that contribute to network connectivity and safety for pedestrians, bicyclists, and people accessing public transportation and other modal connections, such facilities to include Americans with disabilities act accessible sidewalks or shared-use paths, bicyclist facilities, and crossings as needed to integrate the state route into the local network.

(2) Projects undertaken for emergent work required to reopen a state highway in the event of a natural disaster or other emergency repair are not required to comply with the provisions of this section.

(3) Maintenance of facilities constructed under this provision shall be as provided under existing law.

(4) This section does not create a private right of action.

**NEW SECTION. Sec. 419.** A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

- (a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;
- (b) People of color;
- (c) People of Hispanic heritage;
- (d) People with disabilities;
- (e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;
- (f) Location on or adjacent to an Indian reservation;
- (g) Geographic location throughout the state;
- (h) Crash experience involving pedestrians and bicyclists;
- (i) Access to a community facility or commercial center; and
- (j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

**NEW SECTION. Sec. 420.** A new section is added to chapter 47.04 RCW to read as follows:

For the purposes of submitting a request by October 1, 2022, to Amtrak to adopt a fare policy change, the department shall negotiate with the Oregon department of transportation to determine ridership, revenue, and policy impacts relating to elimination of fares for Amtrak Cascades passengers 18 years of

age and younger. It is the intent of the legislature that fares for passengers 18 years of age and younger for service on the Amtrak Cascades corridor be eliminated. The department shall report back to the transportation committees of the legislature with results of negotiations with the Oregon department of transportation and the status of fare policy requests submitted to Amtrak by December 1, 2022.

**NEW SECTION. Sec. 421.** A new section is added to chapter 47.60 RCW to read as follows:

Consistent with RCW 47.60.315(1)(b), the commission shall adopt an annual fare policy for Washington state ferries to allow all riders 18 years of age and younger to ride free of charge on all system routes. This fare change must apply to both walk-on passengers and passengers in vehicles. The commission is directed to make the initial fare policy change effective no later than October 1, 2022.

**NEW SECTION. Sec. 422.** A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

**Sec. 423.** RCW 46.63.170 and 2020 c 224 s 1 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, ~~((e))~~ school speed zone violations~~((s))~~, speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, speed violations subject to (c) ~~or~~ (d) of this subsection~~((s))~~, or violations included in subsection (6) of this section for the duration of the pilot program authorized under

subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: ~~((+))~~ (A) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; ~~((+))~~ (B) railroad crossings; ~~and~~ ~~((+))~~ (C) school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) ~~((Any))~~ In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than ~~((one hundred ninety five thousand))~~ 195,000 located in a county with a population of fewer than ~~((one million five hundred thousand))~~ 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

~~((e))~~ (g) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other

FIFTY THIRD DAY, MARCH 3, 2022

than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((H))~~ (j) All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty))~~ 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

~~((H))~~ (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(l) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(l) does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within ~~((eighteen))~~ 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

(6)(a)(i) A city with a population greater than ~~((five hundred thousand))~~ 500,000 may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be enforced at the ~~((twenty))~~ 20 intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From June 11, 2020, through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)(~~(e)~~) (g) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed (~~seventy-five dollars~~) \$75.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state (~~(fifty)~~) 50 percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. The remaining (~~(fifty)~~) 50 percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, (~~(2022)~~) 2024, and a final report by January 1, (~~(2023)~~) 2025, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

**Sec. 424.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, (~~(e)~~) school speed zone violations(~~(e)~~), speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, or speed violations subject to (c) or (d) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: (~~(A)~~) (A) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (~~(B)~~) (B) railroad crossings; (~~(and (iii))~~) (C) school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) (~~(Any)~~) In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than (~~(one hundred ninety-five thousand)~~) 195,000 located in a county with a population of fewer than (~~(one million five hundred thousand)~~) 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(~~(e)~~) (g) A notice of infraction must be mailed to the registered owner of the vehicle within (~~(fourteen)~~) 14 days of the violation, or to the renter of a vehicle within (~~(fourteen)~~) 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(~~(f)~~) (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the

circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(~~(g)~~) (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(~~(h)~~) (j) All locations where an automated traffic safety camera is used must be clearly marked at least (~~(thirty)~~) 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(~~(i)~~) (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(l) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(l) does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within (~~(eighteen)~~) 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

**NEW SECTION. Sec. 425.** A new section is added to chapter 47.56 RCW to read as follows:

The legislature recognizes the need to reduce congestion and improve mobility on the Interstate 405 and state route number 167 corridors, and finds that performance on the corridors has not met the goal that average vehicle speeds in the express toll lanes remain above 45 miles per hour at least 90 percent of the time during peak hours. Therefore, the legislature intends that the commission reevaluate options at least every two years to improve performance on the Interstate 405 and state route number 167 corridors, pursuant to RCW 47.56.880 and 47.56.850.

**Sec. 426.** RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, ~~(and)~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, and the climate active transportation account created in section 103 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter 314, Laws of 2021; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this

subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

~~((5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions intensive, trade exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.))~~

**NEW SECTION. Sec. 427.** The legislature finds that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020 and 70A.45.050, the state must drastically reduce vehicle greenhouse gas emissions. A critical strategy to meet those goals is transitioning to zero emissions vehicles and this transition requires ongoing purposeful interagency coordination and cooperation. As such, it is the intent of the legislature to create a formal interagency council responsible for coordinating the state's transportation electrification efforts to ensure the state is leveraging state and federal resources to the best extent possible and to ensure zero emissions incentives, infrastructure, and opportunities are available and accessible to all Washingtonians.

The legislature further finds that in order to meet the statewide greenhouse gas emissions limits in the transportation sector of the economy, more resources must be directed toward achieving zero emissions transportation and transit, while continuing to relieve energy burdens that exist in overburdened communities.

**NEW SECTION. Sec. 428.** (1) There is hereby created an interagency electric vehicle coordinating council jointly led by the Washington state department of commerce and the Washington state department of transportation with participation from the following agencies:

(a) The office of financial management;

(b) The department of ecology;

(c) The department of enterprise services;

(d) The state efficiency and environmental performance office;

(e) The department of agriculture;

(f) The department of health;

(g) The utilities and transportation commission;

(h) A representative from the office of the superintendent of public instruction knowledgeable on issues pertaining to student transportation; and

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(i) Other agencies with key roles in electrifying the transportation sector.

(2) The Washington state department of commerce and Washington state department of transportation shall assign staff in each agency to lead the council's coordination work and provide ongoing reports to the governor and legislature including, but not limited to, the transportation, energy, economic development, and other appropriate legislative committees.

**NEW SECTION. Sec. 429.** (1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds;

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

**Sec. 430.** RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170~~((6)(e))~~ shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement ~~((administered by the Washington traffic safety commission))~~. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 431.** A new section is added to chapter 47.60 RCW to read as follows:

It is the intent of the legislature to fully fund the vessel and terminal electrification program in accordance with the Washington state ferries 2040 long range plan. The legislature finds that to attain the 2040 target fleet size of 26 vessels, a biennial replacement schedule is necessary to ensure the level of ferry service and reliability expected by the public. Therefore, by June 30, 2025, the legislature will secure funding options, including but not limited to a vessel surcharge, to devote the resources necessary to fulfill the vessel and terminal needs outlined in the 2040 long range plan.

**NEW SECTION. Sec. 432.** Washington state's target zero program envisions Washington having policies that will lead to

zero deaths of people using the transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway system that have been proven in other locations to help reduce lane departures and fatalities. Sections 433 and 434 of this act are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a program that is focused on addressing this specific safety concern.

**NEW SECTION. Sec. 433.** A new section is added to chapter 47.04 RCW to read as follows:

(1)(a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements listed in (a) of this subsection on state, county, small city, or town roads in rural areas that have a high risk of having or actually have incidents of serious injuries or fatalities due to vehicle lane departures. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the

new infrastructure is installed and evaluate the effectiveness of the safety improvements.

**Sec. 434.** RCW 46.68.060 and 2021 c 333 s 706 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, ((and)) chapters 46.72 and 46.72A RCW, and section 433 of this act. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

NEW SECTION. Sec. 435. A new section is added to chapter 82.38 RCW to read as follows:

(1) The department of agriculture shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department of agriculture shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, to be displayed on motor fuel pumps.

(3) The department of agriculture shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department of agriculture shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department of agriculture shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

## Part V

### Miscellaneous

NEW SECTION. Sec. 501. Sections 415 and 427 through 429 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. Sections 311 and 403 of this act expire July 1, 2024.

NEW SECTION. Sec. 504. Section 404 of this act takes effect July 1, 2024.

**Sec. 505.** 2020 c 224 s 3 (uncodified) is amended to read as follows:

Section 1 of this act expires June 30, ((2023)) 2025.

NEW SECTION. Sec. 506. Section 423 of this act expires June 30, 2025.

NEW SECTION. Sec. 507. Section 424 of this act takes effect June 30, 2025.

NEW SECTION. Sec. 508. Sections 313, 408 through 414, and 421 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 509. Sections 205, 206, 209, and 210 of this act take effect October 1, 2022.

NEW SECTION. Sec. 510. Sections 207 and 208 of this act take effect January 1, 2023, and apply to registrations that become due on or after that date.

NEW SECTION. Sec. 511. Sections 101 through 106, 201 through 204, 211, 301, 303 through 312, 401 through 403, 405 through 407, 415 through 420, 422, 423, 425 through 430, and 505 of this act take effect July 1, 2022."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Liias moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5974 and request of the House a conference thereon.

Senator Liias spoke for the motion to not concur.

The President declared the question before the Senate to be motion by Senator Liias that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5974 and request a conference thereon.

The motion by Senator Liias carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5974 and requested of the House a conference thereon by voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5975 and the House amendment(s) thereto: Senators King, Liias and Saldaña.

## MOTION

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

## MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5975 with the following amendment(s): 5975-S AMH ENGR H2876.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) An additive omnibus transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects,

FIFTY THIRD DAY, MARCH 3, 2022

and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) It is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-A as developed February 8, 2022, represents a commitment to provide climate commitment act-related appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2038.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**2021-2023 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—OPERATING TRANSPORTATION AGENCIES—OPERATING**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF LICENSING**

Move Ahead WA Flexible Account—State Appropriation  
\$1,691,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) \$1,000,000 of the move ahead WA flexible account—state appropriation is provided solely for estimated implementation costs associated with new revenues.

(3) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for Substitute Senate Bill No. 5815 (homeless idencard).

**NEW SECTION. Sec. 202. FOR THE TRANSPORTATION COMMISSION**

Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMERCE**

Move Ahead WA Flexible Account—State Appropriation  
\$10,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 of the move ahead WA flexible account—state appropriation is provided solely to prepare to award funds for facilities engaged in research, development, or manufacturing of new sustainable aviation technologies. The purpose is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (1) Facilities or equipment for development of batteries and electric motors for aviation; (2) facilities or equipment for development of sustainable aviation fuel; or (3) hydrogen electrolyzers and storage. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation \$1,000,000  
Move Ahead WA Flexible Account—State Appropriation \$10,000

TOTAL APPROPRIATION \$1,010,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (1) Sustainable aviation fuel storage; (2) electrification of ground support equipment; (3) electric aircraft charging infrastructure; (4) airport clean power production; or (5) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Move Ahead WA Account—State Appropriation  
\$47,000,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q**

Move Ahead WA Account—State Appropriation \$3,100,000

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Move Ahead WA Flexible Account—State Appropriation  
\$2,000,000

The appropriations in this section are subject to the following conditions and limitations: The department shall allocate no less than 15 percent of the move ahead WA flexible account—state appropriation for highway maintenance by highway lane miles with fewer than 4,000,000 tons of annual freight tonnage moved.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Move Ahead WA Flexible Account—State Appropriation \$2,500,000

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Move Ahead WA Flexible Account—State Appropriation \$2,000,000

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Climate Transit Programs Account—State Appropriation \$54,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,680,000 of the climate transit programs account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022.

(2) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants.

(3) \$29,750,000 of the climate transit programs account—state appropriation is provided solely for transit support grants.

(4) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(5) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(6) \$5,000,000 of the climate transit programs account—state appropriation designated for the Mill Plain Bus Rapid Transit (C-TRAN) project in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022, is redesignated and provided solely for Highway 99 Bus Rapid Transit (C-TRAN) project.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Move Ahead WA Flexible Account—State Appropriation \$22,000,000

**TRANSPORTATION AGENCIES—CAPITAL**

**NEW SECTION. Sec. 301. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Climate Active Transportation Account—State Appropriation \$3,440,000

The appropriations in this section are subject to the following conditions and limitations: The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Move Ahead WA Account—State Appropriation \$730,000,000

Move Ahead WA Account—Federal Appropriation \$100,000,000

TOTAL APPROPRIATION \$830,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA account—state appropriation and move ahead WA account—federal appropriation are provided solely for the state highway projects and activities as

listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2)(a) Appropriations made in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022, for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030 may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board and local governments to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Move Ahead WA Account—Federal Appropriation \$101,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire move ahead WA account—federal appropriation is provided solely for the state highway preservation projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) It is the intent of the legislature that appropriations for highway preservation made from the move ahead WA account—state shall be allocated no less than 15 percent of the appropriation for highway preservation by highway lane miles with fewer than 4,000,000 tons of annual freight tonnage moved.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q**

Motor Vehicle Account—State Appropriation \$20,000,000

The appropriation in this section is subject to the following conditions and limitations: \$20,000,000 of the motor vehicle account—state appropriation is provided solely for the department to establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death pursuant to section 433 of Substitute Senate Bill No. 5974 (transportation resources).

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Move Ahead WA Flexible Account—State Appropriation \$25,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the move ahead WA flexible account—state appropriation is provided solely for vessel and terminal preservation projects.

(2) \$15,000,000 of the move ahead WA flexible account—state appropriation is provided solely for the sixth hybrid electric Olympic class vessel.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y**

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

Move Ahead WA Flexible Account—State	Appropriation	
		\$8,500,000
Carbon Emissions Reduction Account—State	Appropriation	\$50,000,000
<b>TOTAL APPROPRIATION</b>		<b>\$58,500,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account—state appropriation in this section is provided solely for the rail projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z**

Move Ahead WA Flexible Account—State	Appropriation	
		\$127,900,000
Climate Active Transportation Account—State	Appropriation	\$19,360,000
<b>TOTAL APPROPRIATION</b>		<b>\$147,260,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account—state appropriation is provided solely for the local road projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) \$6,890,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects as listed in LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

(3) \$6,830,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(4) \$5,640,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(5) \$14,000,000 is provided from the move ahead WA flexible account—state appropriation for the elevate Slater road project to be added to the LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(6) A total of \$3,000,000 is provided from the climate active transportation account—state appropriation for the Bradley road safe routes pedestrian improvements project on the LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

(7) A total of \$13,500,000 is provided from the climate active transportation account—state appropriation for the Usk bridge shared-use pathway retrofit (Kalispell Tribe) project on the LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

Move Ahead WA Account—State	Appropriation:	
For transfer to the Puget Sound Ferry		
Operations Account—State		\$600,000

The amount transferred in this section represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

**MISCELLANEOUS**

**NEW SECTION. Sec. 501.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 502.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

Senator Liias moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5975 and request of the House a conference thereon.

Senator Liias spoke for the motion to not concur.

Senator Hawkins spoke on the motion to not concur.

The President declared the question before the Senate to be motion by Senator Liias that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5975 and request a conference thereon.

The motion by Senator Liias carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5975 and requested of the House a conference thereon by voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5975 and the House amendment(s) thereto: Senators King, Liias and Saldaña.

**MOTIONS**

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

**SECOND READING**

ENGROSSED HOUSE BILL NO. 2096, by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet

Concerning the working families' tax exemption, also known as the working families tax credit.

The measure was read the second time.

**MOTION**

On motion of Senator Nguyen, the rules were suspended, Engrossed House Bill No. 2096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2096.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2096 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED HOUSE BILL NO. 2096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:34 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 4:40 p.m. by President Heck.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, by House Committee on Appropriations (originally sponsored by Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan, Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame)

Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions.

The measure was read the second time.

#### MOTION

Senator Muzzall moved that the following amendment no. 1387 by Senator Muzzall be adopted:

On page 14, line 30, after "stabilization," insert "or by the end of the business day following the day the stabilization occurs, whichever is later,"

On page 30, beginning on line 4, after "(13)" strike all material through "act" on line 5 and insert "For dispute resolution proceedings initiated under RCW 48.49.150(2)(b) (as recodified by this act), the arbitration provisions of this section apply except that:

(a) The issue before the arbitrator will be the commercially reasonable payment for applicable services addressed in the alternate access delivery request rather than the commercially reasonable payment for single or multiple claims under

subsection (4) of this section. The arbitrator shall issue a decision related to whether payment for the applicable services should be made at the final offer amount of the carrier or the final offer amount of the provider or facility. The arbitrator's decision is final and binding on the parties for services rendered to enrollees from the effective date of the amended alternate access delivery request approved under RCW 48.49.150(2)(b) (as recodified by this act) to either the expiration date of the amended alternate access delivery request, or at the time that a provider contract and provider compensation agreement are executed between the parties, whichever occurs first;

(b) During the period from the effective date of the amended alternate access delivery request to issuance of the arbitrator's decision, the allowed amount paid to providers or facilities for the applicable services addressed in the amended alternate access delivery request shall be a commercially reasonable amount, based on payments for the same or similar services provided in a similar geographic area; and

(c) The proceedings"

On page 35, line 20, after "facilities" strike "; and" and insert ". If a carrier is submitting an alternate access delivery request for the same service and geographic area as a previously approved request, the carrier shall provide new or additional evidence of good faith efforts to contract associated with the current request:"

On page 35, line 23, after "standards" insert "; and

(iv) For services for which balance billing is prohibited under RCW 48.49.020, notify out-of-network providers or facilities that deliver the services referenced in the alternate access delivery request within five days of submitting the request to the commissioner. Any notification provided under this subsection shall include contact information for carrier staff who can provide detailed information to the affected provider or facility regarding the submitted alternate access delivery request"

On page 35, beginning on line 28, after "unless" strike all material through "services," on line 37 and insert "all requirements of this subsection are met,"

(i) If a carrier is unable to obtain a contract with a provider or facility delivering services addressed in an alternate access delivery request to meet network access requirements, the carrier may ask the commissioner to amend the alternate access delivery request if the carrier's communication to the commissioner occurs at least three months after the effective date of the alternate access delivery request and demonstrates substantial evidence of good faith efforts on its part to contract for delivery of services during that three-month time period. If the carrier has demonstrated substantial evidence of good faith efforts on its part to contract, the commissioner shall allow a carrier to use the dispute resolution process provided in RCW 48.49.040 to determine the amount that will be paid to providers or facilities for services referenced in the alternate access delivery request. The commissioner may determine by rule the associated processes for use of the dispute resolution process under this subsection.

(ii) Once notification is provided by the carrier to a provider or facility under (a) of this subsection, a carrier is not responsible for reimbursing a provider's or facility's charges in excess of the amount charged by the provider or facility for the same or similar service at the time the notification was provided. The provider or facility shall accept this reimbursement as payment in full."

Senators Muzzall and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1387 by Senator Muzzall on page 14, line 30 to Engrossed Second Substitute House Bill No. 1688.

The motion by Senator Muzzall carried and amendment no. 1387 was adopted by voice vote.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

## MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Second Substitute House Bill No. 1688 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Muzzall and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1688 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795, by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame)

Prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault.

The measure was read the second time.

## MOTION

Senator King moved that the following amendment no. 1311 by Senator King be adopted:

On page 1, beginning on line 9, after "retaliation," strike all material through "violations," on line 10

On page 1, line 20, after "retaliation," strike "wage and hour violations,"

On page 2, beginning on line 9, after "retaliation," strike all material through "violation," on line 10

On page 2, line 28, after "retaliation," strike "wage and hour violations,"

On page 1, line 3 of the title, after "retaliation," strike "wage and hour violations,"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1311 by Senator King on page 1, line 9 to Engrossed Substitute House Bill No. 1795.

The motion by Senator King did not carry and amendment no. 1311 was not adopted by voice vote.

## MOTION

Senator Short moved that the following amendment no. 1315 by Senator Short be adopted:

On page 3, beginning on line 6, strike all of subsection (7) Renummer the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 22, after "employment." strike all material through "provisions." on line 23

On page 1, line 5 of the title, after "sections;" insert "and"

On page 1, line 5 of the title, after "49.44.210" strike "; and prescribing penalties"

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

## MOTION

On motion of Senator Wilson, C., Senator Stanford was excused.

The President declared the question before the Senate to be the adoption of amendment no. 1315 by Senator Short on page 3, line 6 to Engrossed Substitute House Bill No. 1795.

The motion by Senator Short did not carry and amendment no. 1315 was not adopted by voice vote.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 1312 by Senator Padden on page 3, line 17 to Engrossed Substitute House Bill No. 1795 was withdrawn.

## MOTION

Senator Warnick moved that the following amendment no. 1317 by Senator Warnick be adopted:

On page 3, after line 25, insert the following:

"(12) This section does not apply to employers with fewer than eight employees."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1317 by Senator Warnick on page 3, line 25 to Engrossed Substitute House Bill No. 1795.

The motion by Senator Warnick did not carry and amendment no. 1317 was not adopted by voice vote.

## MOTION

Senator King moved that the following striking amendment no. 1309 by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.44.210 and 2018 c 117 s 1 are each amended to read as follows:

(1) Except for settlement agreements under subsection (4) of this section, an employer may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~s~~)) off the employment premises.

(2) Except for settlement agreements under subsection (4) of this section, any nondisclosure agreement, waiver, or other document signed by an employee as a condition of employment that has the purpose or effect of preventing the employee from disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~s~~)) off the employment premises is against public policy and is void and unenforceable.

(3) It is an unfair practice under chapter 49.60 RCW for an employer to discharge or otherwise retaliate against an employee for disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, ((~~or~~)) between an employer and an employee((~~s~~)) off the employment premises.

(4) This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment and an employer from containing confidentiality provisions.

(5) For the purposes of this section:

(a) "Sexual assault" means any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

(b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) "Sexual harassment" has the same meaning as in RCW 28A.640.020.

(d) "Employee" does not include human resources staff, supervisors, or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and asked to participate in an open and ongoing investigation into alleged sexual harassment and requested to maintain confidentiality during the pendency of that investigation.

(e) "Harassment" has the same meaning as in RCW 9A.46.020.

(f) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW."

On page 1, line 4 of the title, after "assault;" strike the remainder of the title and insert "and amending RCW 49.44.210."

Senator King spoke in favor of adoption of the striking amendment.

Senator Saldaña spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1309 by Senator King to Engrossed Substitute House Bill No. 1795.

The motion by Senator King did not carry and striking amendment no. 1309 was not adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1795 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Conway and Kuderer spoke in favor of passage of the bill.

Senators King, Padden, Braun and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1795.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1795 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412, by House Committee on Civil Rights & Judiciary (originally sponsored by Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri)

Concerning legal financial obligations.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.66.120 and 2001 c 115 s 1 are each amended to read as follows:

(1) All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(2) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(3) All court-ordered restitution obligations may be enforced at any time during the ~~((ten-year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

(4) The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

(5) Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found.

**Sec. 2.** RCW 9.94A.750 and 2018 c 123 s 1 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((one hundred eighty))~~ 180 days. The court may continue the hearing beyond the ~~((one hundred eighty))~~ 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for

restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection:

(i) "Insurer" means any insurer as defined and authorized under Title 48 RCW. "Insurer" does not include an individual self-insurance program or joint self-insurance program.

(ii) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(iii) "State agency" has the same meaning as provided in RCW 42.56.010(1).

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ~~((ten))~~ 10 years following the offender's release from total confinement or ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional ~~((ten))~~ 10 years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ~~((ten-year))~~ 10-year period or subsequent ~~((ten-year))~~ 10-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or

superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of (~~twenty-five~~) 25 years following the offender's release from total confinement or (~~twenty-five~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

**Sec. 3.** RCW 9.94A.753 and 2018 c 123 s 2 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days except as provided in subsection (7) of this section. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall

not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~) 10 years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~ten~~) 10 years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support

FIFTY THIRD DAY, MARCH 3, 2022

is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of ~~((twenty five))~~ 25 years following the offender's release from total confinement or ~~((twenty five))~~ 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney

to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

**Sec. 4.** RCW 9.94A.760 and 2018 c 269 s 14 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3). An offender being indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3) is not grounds for failing to impose restitution ~~((or the crime victim penalty assessment under RCW 7.68.035))~~. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of ~~((fifty dollars))~~ \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll

deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other ~~((legal financial))~~ restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ~~((ten year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten year))~~ 10-year period, the superior court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of ~~((legal financial))~~ restitution obligations ~~((including crime victims' assessments))~~. All other ~~((legal financial))~~ restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the ~~((legal financial))~~ restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the

department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 5.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ~~((ten))~~ 10 years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or

other legal process issued upon that judgment or order at any time within ~~((ten))~~ 10 years of the ~~((eighteenth))~~ 18th birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within ~~((ninety))~~ 90 days before the expiration of the original ~~((ten-year))~~ 10-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional ~~((ten))~~ 10 years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within ~~((ninety))~~ 90 days before the expiration of the ~~((ten-year))~~ 10-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4)(a) A party who obtains a judgment or order for restitution ~~((crime victims' assessment, or other court-ordered legal financial obligations))~~ pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence or ~~((ten))~~ 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(b) A party who obtains a judgment or order for court-ordered legal financial obligations other than restitution, pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and have legal process issued upon the judgment or order any time within 10 years subsequent to the entry of the judgment and sentence or 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, only if the court finds that the offender has the current or likely future ability to pay the nonrestitution legal financial obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). No filing fee shall be required for filing a petition for an extension pursuant to this subsection (4)(b).

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district

courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding ~~((twenty))~~ 20 years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

**Sec. 6.** RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court ~~((shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court))~~ may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for

restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**Sec. 7.** RCW 9.95.210 and 2019 c 263 s 302 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court ~~((shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court))~~ may ~~((also))~~ require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((5))~~ (6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed

for that purpose by the county legislative authority of the county wherein the court is located.

~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

~~((7))~~ (8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

NEW SECTION. Sec. 8. A new section is added to chapter 10.01 RCW to read as follows:

A defendant who has been ordered to pay fines and who has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the sentencing court for remission of the payment of fines or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in fines, modify the method of payment under RCW 10.01.170, or convert the unpaid amounts to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.01.160(3).

Sec. 9. RCW 10.01.160 and 2018 c 269 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed ~~((two hundred fifty dollars))~~ \$250. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed ~~((one hundred fifty dollars))~~ \$150. Costs for preparing and serving a warrant for failure to appear may not exceed ~~((one hundred dollars))~~ \$100. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent (~~(as defined in RCW 10.101.010(3)(a) through (e))~~). In determining the amount and method of payment of costs for defendants who are not indigent (~~(as defined in RCW 10.101.010(3)(a) through (e))~~), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. For the purposes of this section, a defendant is "indigent" if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3)(a) through (c); (b) is homeless or mentally ill as defined in RCW 71.24.025; (c) has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs, as defined in RCW 10.101.010, that render the defendant without the financial ability to pay; or (d) has other compelling circumstances that exist that demonstrate an inability to pay.

(4) A defendant who has been ordered to pay costs and who (~~is not in contumacious default in the payment thereof~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~after release from total confinement~~) petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in (~~RCW 10.101.010(3)(a) through (e))~~) subsection (3) of this section.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

**Sec. 10.** RCW 10.73.160 and 2018 c 269 s 12 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures

contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who (~~is not in contumacious default in the payment~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~after release from total confinement~~) petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW (~~10.101.010(3)(a) through (e))~~) 10.01.160(3).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

**Sec. 11.** RCW 10.64.015 and 2018 c 269 s 10 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW (~~10.101.010(3)(a) through (e))~~) 10.01.160(3).

**Sec. 12.** RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the state general fund, (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, (~~(twenty-five)~~) 25 percent to the county current expense fund, and (~~(twenty-five)~~) 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW 10.101.010(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, (~~following the offender's release from total confinement,~~) reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may waive or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full (and as an incentive for the offender to meet his or her other legal financial obligations), except as provided in (c) of this subsection. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

~~((3))~~ (4) This section only applies to adult offenders.

**Sec. 13.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

~~(1)((a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.~~

~~(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.~~

~~(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).~~

~~(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.~~

~~(4) Such)) Amounts received by the clerk of the superior court for crime victim penalty assessments imposed prior to the effective date of this section shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit ((one hundred)) 100 percent of the money it receives per case or cause of action ((under subsection (1) of this section)) for crime victim penalty assessments, not less than ((one and seventy five one hundredths)) 1.75 percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ((7)) (5) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes as described in subsection (3) of this section.~~

~~(2) Upon motion by a defendant, the court may waive or reduce any crime victim penalty assessment imposed prior to the effective date of this section if the court finds that the defendant is indigent as defined in RCW 10.01.160(3) and does not have the current or likely future ability to pay.~~

~~(3) A crime victim and witness program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:~~

~~(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;~~

~~(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;~~

~~(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;~~

~~(d) Assist victims in the restitution and adjudication process; and~~

~~(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.~~

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((5))~~ (4) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ((4)) (1) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county

prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (1) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (1) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (1) of this section to the state treasurer for deposit in the state general fund.

~~((6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.~~

~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and seventy five one hundredths))~~ 1.75 percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (1) of this section.

**NEW SECTION. Sec. 14.** A new section is added to chapter 7.68 RCW to read as follows:

(1) The state crime victim and witness assistance account is created in the state treasury.

(2) On January 1, 2023, and April 1, 2023, the state treasurer must transfer into the account from the general fund the sum of \$975,000. Beginning with fiscal year 2024, the state treasurer must transfer into the account from the general fund the sum of \$3,900,000, divided into four equal quarterly deposits. Each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025.

(3) Pursuant to appropriation, each quarter, the state treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310.

(4) Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

**Sec. 15.** RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the

treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 16.** RCW 9.94B.040 and 2018 c 269 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within ~~((seventy-two))~~ 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within ~~((fifteen))~~ 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a

stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 17.** RCW 10.01.180 and 2018 c 269 s 8 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21

RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each ~~((twenty-five dollars))~~ \$25 of the amount ordered, ~~((thirty))~~ 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.))~~

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

**Sec. 18.** RCW 3.62.085 and 2018 c 269 s 16 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of ~~((forty-three dollars))~~ \$43, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3). This fee shall be

subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

**Sec. 19.** RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of ~~((two hundred dollars))~~ \$200 except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of ~~((forty-five dollars))~~ \$45, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The ~~((forty-five dollar))~~ \$45 filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of ~~((two hundred dollars))~~ \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((two hundred dollars))~~ \$200.

(d) For filing of a petition for an antiharassment protection order under RCW 7.105.100 a filing fee of ~~((fifty-three dollars))~~ \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((two hundred dollars))~~ \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of ~~((two hundred dollars))~~ \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((two hundred dollars))~~ \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3)(a) through (e)))~~ 10.01.160(3). Upon motion by the defendant, the court may waive or reduce any fee previously imposed under this subsection if the court finds that the defendant is indigent as defined in RCW 10.01.160(3).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 7.105.115.

FIFTY THIRD DAY, MARCH 3, 2022

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) In addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which ~~((seventy-five))~~ 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and ~~((twenty-five))~~ 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of ~~((thirty dollars))~~ \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of ~~((forty dollars))~~ \$40 must be collected.

**Sec. 20.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to read as follows:

~~((Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed.))~~

(1) The clerk of the court shall transmit ~~((eighty))~~ 80 percent of ~~((the fee))~~ any amounts collected for fees imposed prior to the effective date of this section for the collection of an offender's DNA to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit ~~((twenty))~~ 20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. ~~((This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.))~~

(2) Upon motion by the offender, the court shall waive all but one previously imposed fee for the collection of the offender's DNA.

(3) For fiscal year 2023, the legislature must appropriate the sum of \$300,000 for deposit into the state DNA database account under RCW 43.43.7532, and for fiscal year 2024 the legislature must appropriate \$600,000 for deposit into the account. Each fiscal year after 2024, the legislature must increase the total appropriation by the fiscal growth factor, as defined in RCW 43.135.025. Of amounts so appropriated, the Washington state patrol may expend 80 percent for operation and maintenance of the DNA database under RCW 43.43.754 and 20 percent for distribution to the agency responsible for the collection of the biological sample from the offender.

**Sec. 21.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to read as follows:

The state DNA database account is created in the custody of the state treasurer. All receipts under RCW 43.43.7541 must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA database under RCW 43.43.754 and for distribution to agencies responsible for the collection of the biological sample from the offender. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 22.** A new section is added to chapter 3.66 RCW to read as follows:

"Legal financial obligation" means a sum of money that is ordered by a district or municipal court of the state of Washington for legal financial obligations which may include restitution to the victim, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a conviction. Legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

**Sec. 23.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to read as follows:

(1) When a defendant is sentenced to pay fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3)-(a) through (e)))~~ 10.01.160(3), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

**Sec. 24.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3)-(a) through (e)))~~ 10.01.160(3). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

**Sec. 25.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods. If the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3)-(a) through (e)))~~ 10.01.160(3), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

**Sec. 26.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over ~~((fifty))~~ 50 percent of any moneys in the escrow account to such person or his or her legal representatives and ~~((fifty))~~ 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035~~((4))~~ (1).

**Sec. 27.** RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.695, relating to the mental health sentencing alternative;

(x) RCW 9.94A.507, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(xiv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of ~~((thirty))~~ 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than ~~((thirty))~~ 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760~~((and 43.43.754))~~.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that

confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

**Sec. 28.** RCW 9.94A.777 and 2010 c 280 s 6 are each amended to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution ~~((or the victim penalty assessment under RCW 7.68.035))~~, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

**Sec. 29.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to read as follows:

(1) If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ~~((ten))~~ 10 years. When the juvenile reaches the age of ~~((eighteen))~~ 18 years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ~~((ten))~~ 10 years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations ~~((including crime victims' assessments))~~ in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

(2) A respondent under obligation to pay legal financial obligations other than restitution ~~((the victim penalty assessment set forth in RCW 7.68.035))~~ or the crime laboratory analysis fee set forth in RCW 43.43.690 may petition the court for modification or relief from those legal financial obligations and interest accrued on those obligations for good cause shown, including inability to pay. The court shall consider factors such as, but not limited to incarceration and a respondent's other debts,

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

including restitution, when determining a respondent's ability to pay.

**Sec. 30.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than ~~((thirty))~~ 30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to ~~((thirty))~~ 30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed ~~((thirty))~~ 30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution ~~((unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment))~~. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**NEW SECTION. Sec. 31.** Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

**NEW SECTION. Sec. 32.** This act takes effect January 1, 2023.

**NEW SECTION. Sec. 33.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 43.43.7541,

43.43.7532, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, 9.94A.777, 13.40.192, and 13.40.200; reenacting and amending RCW 36.18.020; adding a new section to chapter 10.01 RCW; adding a new section to chapter 7.68 RCW; adding a new section to chapter 3.66 RCW; creating new sections; and providing an effective date."

Senator Dhingra spoke in favor of adoption of the committee striking amendment.

Senator Padden spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Fourth Substitute House Bill No. 1412.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Fourth Substitute House Bill No. 1412 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Senators Dhingra, Holy, Wagoner and Hawkins spoke in favor of passage of the bill.

Senators Padden and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute House Bill No. 1412 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1412 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Honeyford, McCune, Padden, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2019, by House Committee on College & Workforce Development (originally sponsored by Boehnke, Graham, Johnson, J., Leavitt and Sutherland)

Increasing educational and training opportunities for careers in retail.

The measure was read the second time.

#### MOTION

On motion of Senator Holy, the rules were suspended, Substitute House Bill No. 2019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy, Randall and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2019.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2019 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1051, by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

Adding a faculty member to the board of regents at the research universities.

The measure was read the second time.

#### MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 1051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1051.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1051 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1590, by House Committee on Appropriations (originally sponsored by Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey, Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame)

Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the COVID-19 pandemic has impacted the delivery of education across the state, as school districts resume in-person instructional models with heightened efforts to protect the health and well-being of students and staff and address the pandemic's impact on student learning. The legislature also recognizes that state funding formulas are largely driven by enrollment, and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. Stabilization funding in the 2020-21 school year provided important support for schools to maintain services amid enrollment declines. With this act and in the omnibus operating appropriations act, the legislature intends to extend stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic for the final time.

**NEW SECTION. Sec. 2.** (1) If a local education agency's combined state revenue generated in the 2021-22 school year is less than what its combined state revenue would be using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year, then the superintendent of public instruction must provide an enrollment stabilization amount to the local education agency in the 2021-22 school year. The enrollment stabilization amount shall be equal to 50 percent of the local education agency low enrollment impact.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Combined state revenue" means the combined amount from the following allocations to local education agencies:

(i) General apportionment allocations as described in RCW 28A.150.260;

(ii) Special education allocations as described in RCW 28A.150.390. Allocations for special education enrollment above 2021-22 levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Learning assistance program allocations as described in RCW 28A.150.260(10)(a). Learning assistance program allocations based on 2019-20 enrollments must include the prior years' free or reduced-price meal percentages used for allocations in the 2020-21 school year;

FIFTY THIRD DAY, MARCH 3, 2022

(iv) Transitional bilingual program allocations as described in RCW 28A.150.260(10)(b);

(v) Highly capable program allocations as described in RCW 28A.150.260(10)(c);

(vi) Career and technical education and skill centers allocations as described in RCW 28A.150.260 (4)(c), (7), and (9);

(vii) Allocations to support institutional education for residential schools as defined by RCW 28A.190.005 and of juveniles in detention facilities as identified by RCW 28A.190.010;

(viii) Dropout reengagement program allocations for eligible students under RCW 28A.175.100;

(ix) Alternative learning experience allocations as described in RCW 28A.232.020; and

(x) Running start allocations as described in RCW 28A.600.310.

(b) "Local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(c) "Local education agency low enrollment impact" is equal to a local education agency's combined state revenue that would be generated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus its combined state revenue generated in the 2021-22 school year, if the difference is greater than zero.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

**Sec. 3.** RCW 84.52.0531 and 2021 c 221 s 2 and 2021 c 145 s 22 are each reenacted and amended to read as follows:

(1) Beginning with taxes levied for collection in 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means the percentage change in the seasonally adjusted consumer price index for all urban consumers, Seattle area, for the most recent 12-month period as of September 25th of the year before the taxes are payable, using the official current base compiled by the United States bureau of labor statistics.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year.

(c) "Open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.

(d) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected, except ~~((that is))~~ as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment and the school district was open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

**Sec. 4.** RCW 28A.500.015 and 2019 c 410 s 1 are each amended to read as follows:

(1) Beginning in calendar year 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2)(a) For an eligible school district with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent

of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

~~((d) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:~~

~~(i) Two hundred forty six dollars per pupil in the 2019-20 school year for a school district with more than twenty five thousand annual full time equivalent students; and~~

~~(ii) Two hundred eighty six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full time equivalent enrolled students but fewer than twenty five thousand annual full time equivalent enrolled students.))~~

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district.

(d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed, except as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

(f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each

participant district receives its proportional share of student enrollments for purposes of funding under this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency."

#### MOTION

Senator Braun moved that the following amendment no. 1334 by Senator Braun be adopted:

Beginning on page 1, line 19, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. In the 2021-22 school year, the superintendent of public instruction must provide learning loss grants to each school district, charter school, and state-tribal education compact school in the amount of \$260 multiplied by the school district, charter school, or state-tribal education compact school's average full-time equivalent student enrollment in the prior school year."

Senators Braun, Hawkins and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1334 by Senator Braun on page 1, line 19 to the committee striking amendment.

The motion by Senator Braun did not carry and amendment no. 1334 was not adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following amendment no. 1384 by Senator Schoesler be adopted:

On page 2, line 39, after "programs" insert ", except as specified in subsection (4) of this section"

On page 2, after line 39, insert the following:

"(4) With the exception of salary inflationary increases provided in accordance with RCW 28A.400.205, enrollment stabilization amounts allocated under this section may not be used to increase employee or contractor salaries or compensation, including supplemental contracts under RCW 28A.400.200."

Senators Schoesler, Hawkins and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1384 by Senator Schoesler on page 2, line 39 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 1384 was not adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following amendment no. 1402 by Senator Schoesler be adopted:

Beginning on page 3, line 1, strike all of section 3

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, at the beginning of line 14, strike all material through "84.52.0531;"

Senators Schoesler, Hawkins, Padden and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Wellman, Saldaña and Hunt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1402 by Senator Schoesler on page 3, line 1 to the committee striking amendment

The motion by Senator Schoesler did not carry and amendment no. 1402 was not adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following amendment no. 1411 by Senator Wilson, L. be adopted:

On page 5, at the beginning of line 28, strike "~~((d) For~~" and insert "(d) ~~(For~~"

On page 5, line 40, after "~~students-)~~" insert "(i) Beginning in calendar year 2023, for charter schools established under chapter 28A.710 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the charter school is located, up to a maximum per student amount of \$1,550 as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the charter school in the prior school year.

(ii) The legislature must appropriate annual local effort assistance funds for charter schools from the Washington opportunity pathways account in accordance with RCW 28A.710.270."

Senators Wilson, L., Padden and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1411 by Senator Wilson, L. on page 5, line 28 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and amendment no. 1411 was not adopted by voice vote.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, amendment no. 1428 by Senator Fortunato on page 7, line 7 to the committee striking amendment was withdrawn.

## MOTION

Senator Fortunato moved that the following amendment no. 1454 by Senator Fortunato be adopted:

On page 7, after line 7, insert the following:  
"NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) In the 2022-23 school year, the office of the superintendent of public instruction must distribute COVID-19 stabilization scholarships to each parent whose child is receiving home-based instruction under chapter 28A.200 RCW or attending a private

school under chapter 28A.195 RCW. Scholarships shall be in the amount of \$260 per qualifying child, and may be claimed by only one parent per qualifying child.

(2) The superintendent of public instruction shall adopt rules to implement the COVID-19 stabilization scholarship program under this section.

(3) All funds appropriated for COVID-19 stabilization scholarships provided in accordance with this section must be appropriated from the Washington opportunity pathways account.

**Sec. 6.** RCW 28B.76.526 and 2020 c 357 s 911 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in RCW 28A.300--- (section 5 of this act) (COVID-19 stabilization scholarships), chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 7, line 13, after "28A.500.015" insert "and 28B.76.526"

On page 7, line 14, after "84.52.0531;" insert "adding a new section to chapter 28A.300 RCW;"

Senators Fortunato and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1454 by Senator Fortunato on page 7, after line 7 to the committee striking amendment.

The motion by Senator Fortunato did not carry and amendment no. 1454 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1590.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1590 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Carlyle spoke in favor of passage of the bill.

Senator Sefzik spoke against passage of the bill.

Senator Carlyle again spoke on passage of the bill.

## POINT OF ORDER

Senator Braun: "Thank you Mr. President. I don't believe the speaker is speaking to the bill in front of us."

## RULING BY THE PRESIDENT

President Heck: "The President agrees. Senator Carlyle if you have remarks to address to the bill, please make them."

Senators Warnick, Wilson, L., Hawkins and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1590 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1590 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1590 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 7:13 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announce a meeting of the Republican Caucus.

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The Senate was called to order at 9:12 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Pedersen and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

## MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## PERSONAL PRIVILEGE

Senator Sefzik: "Yes Mr. President. Mr. President, sometimes when people are tired, they misspeak and say things that they should not say. And that is what happened with me. When I was 16 years old and didn't even have a driver's license, it didn't feel like the real thing yet. But Mr. President, I am glad for the education I received, and with that, the real Simon Sefzik will sit down and listen to some real debates."

## REPLY BY THE PRESIDENT

President Heck: "Your apology is accepted."

## REMARKS BY SENATOR HONEYFORD

Senator Honeyford: "Mr. President, I wanted to object to the 10 pm rule but your gavel was too fast."

## REPLY BY THE PRESIDENT

President Heck: "So noted."

## SECOND READING

HOUSE BILL NO. 1738, by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

Changing the total amount of outstanding indebtedness of the Washington state housing finance commission.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1738.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1738 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hawkins, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hasegawa, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Robinson

HOUSE BILL NO. 1738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Randall, Senator Robinson was excused.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2001, by House Committee on Local Government (originally sponsored by McCaslin, Graham, Jacobsen, Chase and Sutherland)

Expanding the ability to build tiny houses.

The measure was read the second time.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2001.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2001 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Honeyford

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 2001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1701, by House Committee on Appropriations (originally sponsored by Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby)

Concerning law enforcement officers' and firefighters' retirement system benefits.

The measure was read the second time.

## MOTION

On motion of Senator Conway, the rules were suspended, Substitute House Bill No. 1701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Wilson, L., Holy, Hawkins and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1701.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1701 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1955, by House Committee on Education (originally sponsored by Rule, Ramel, Ormsby and Taylor)

Creating uniformity in education requirements for students who are the subject of a dependency proceeding.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1955.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1955 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241, by House Committee on Local Government (originally sponsored by Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet)

Planning under the growth management act.

The measure was read the second time.

## MOTION

Senator Fortunato moved that the following amendment no. 1414 by Senator Fortunato be adopted:

On page 7, after line 12, strike all of (iii) down through line 16.

Senators Fortunato, King and Wagoner spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1414 by Senator Fortunato on page 7, line 12 to Engrossed Second Substitute House Bill No. 1241.

The motion by Senator Fortunato did not carry and amendment no. 1414 was not adopted by voice vote.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute House Bill No. 1241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1241.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1617, by House Committee on State Government & Tribal Relations (originally sponsored by

Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley)

Aligning state and school holidays.

The measure was read the second time.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1617.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1617 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, McCune and Padden

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, by House Committee on Appropriations (originally sponsored by Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland)

Establishing service requirements for the department of social and health services.

The measure was read the second time.

## MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting

FIFTY THIRD DAY, MARCH 3, 2022

in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) To the extent allowed under state and federal law, an applicant or recipient may not be terminated or sanctioned by the department or have their application for assistance denied based on an applicant's or recipient's inability to contact the community services division."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 74.04 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Engrossed Second Substitute House Bill No. 2075.

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute House Bill No. 2075 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2075 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1907, by Representatives Steele and Jacobsen

Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1907.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1907 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1647, by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

Concerning the building for the arts program.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1647.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1647 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, by House Committee on Appropriations (originally sponsored by Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan)

Establishing programs and measures to prevent suicide among veterans and military members.

The measure was read the second time.

#### MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Suicide is a public health issue that affects many Washington families and communities daily. Over the last 10 years, Washington state has been at the forefront of suicide prevention, investing more in upstream suicide prevention strategies and supports with the goal of a noteworthy reduction in suicide by 2025.

(2) At the request of the governor, in 2020 Washington stakeholders engaged in a national and statewide initiative to end veteran and military member suicide. This initiative culminated in a new state plan to educate providers and help them address the unique needs of veterans and military members, particularly those in transition to civilian life; and to provide resources and supports including improved lethal means safety training. The purpose of this act is to support the implementation of that plan.

(3) Service members, veterans, and their families are at a higher risk of being affected by suicide as experiences prior to enlistment, during service, and transition from service can contribute to suicidal thoughts and behaviors. A report on post-9/11 era military deaths by the United States department of veterans affairs found that service members are four times more likely to die by suicide than in military operations. Over 7,000 service members died in combat during the global war on terror, while more than 30,000 active duty members and veterans died by suicide. For veterans of all United States military operations, there is an average of 22 suicide deaths per day across the country, with one occurring every 65 minutes.

(4) Washington is home to 544,290 veterans, 60,699 active duty service members, 17,941 guard and reserve service members, and 2,000,000 military and veteran family members. Although veterans themselves make up only seven percent of the Washington population, they account for 19 percent of total suicides in the state. Nearly 1,000 veterans have died by suicide in Washington state over the last five years. More than two-thirds of veterans who died by suicide in Washington used a firearm.

(5) Family members of veterans who die by suicide are at higher risk for future suicide due to the exposure of experiencing suicide loss. Research shows for every suicide that occurs, 135 people suffer from the effects either directly or indirectly, meaning veteran suicides impact a community of 2,600,000 people.

(6) There is no one path to suicide, but life experiences, moral injury, trauma, culture, and health can play a major role in suicidal behavior. Military and veteran culture in particular includes stigma around mental wellness and help-seeking behavior, emphasizes reliability on group cohesion, and facilitates access, comfortability, and familiarity with lethal means such as firearms. Additionally, a significant number of veterans do not seek care within the veterans administration system.

(7) The legislature intends to address the tragedy of suicide amongst veterans, military members, and their families through support of professionals and community and peer organizations serving veterans, cultural changes that support help-seeking

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

behaviors, and investments in education, training, prevention, and care.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.60A RCW to read as follows:

(1) There is created in the department a suicide prevention community-based services grant program. The purpose of the grant program is to provide suicide prevention, peer support, and other assistance to at-risk and transitioning veterans and military members and their families in their communities.

(2) Subject to the availability of amounts appropriated for the specific purposes provided in this section and amounts disbursed from the veterans and military members suicide prevention account created in section 3 of this act, the department, in consultation with the forefront suicide prevention center, must establish a process to receive, review, process, and award grants to organizations, including nonprofit and peer support community programs, that address veterans, military members, and their families who may be at risk of suicide and other mental health crises. Priority should be given to organizations using peer support models that use evidence-based, research-based, or promising practices.

(3) The department shall report to the legislature annually beginning July 1, 2023, on grant recipients, number of veterans and military members served, and the types of services offered by grant recipients.

(4) The forefront suicide prevention center shall evaluate the effectiveness of each grant program recipient providing suicide prevention and peer support services to veterans, military members, and their families who may be at risk of suicide and other mental health crises.

(5) For the purposes of this section, "forefront suicide prevention center" means the University of Washington's forefront suicide prevention center of excellence.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.60A RCW to read as follows:

(1) The veterans and military members suicide prevention account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature, revenues received from the prevent veteran suicide emblem under section 8 of this act, and all receipts from gifts, grants, bequests, devises, or other donations from public and private sources to support veterans and military members suicide prevention measures. Expenditures from the account may be used only for the purposes provided in subsection (3) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, and voluntary donations for deposit into the account, including funds generated by voluntary donations under (b) of this subsection.

(b) The department may accept, for deposit into the account, voluntary donations from persons who are: (i) Applying for a concealed pistol license or renewal of a concealed pistol license; or (ii) undergoing a background check under chapter 9.41 RCW in connection with the purchase of a firearm from a firearms dealer. The department shall coordinate with local law enforcement agencies, the department of licensing, and firearms dealers licensed under chapter 9.41 RCW to develop a form and process for publicizing and collecting voluntary donations under this subsection. The department and the department of licensing shall post educational information regarding the voluntary donation provisions of this section on their websites.

(3) All moneys deposited into the account must be used for activities that are dedicated to the benefit of veteran and military member suicide education and prevention including, but not limited to: (a) Expanding the department's peer corps program; and (b) providing programs, peer support, and services that assist veterans and military members in addressing mental health and wellness impacts of military service, trauma, moral injury, and transition to civilian life. Funds may also be used for the suicide prevention community-based services grant program established in section 2 of this act. Funds from the account may not be used to supplant existing funds received by the department nor shall grant recipients use the funds to supplant existing funding.

(4) For the purposes of this section the following definitions apply:

(a) "Veteran" has the same meaning as provided in RCW 41.04.005 and 41.04.007.

(b) "Military members" means actively serving members of the national guard or reserves, or active duty military personnel.

(c) "Account" means the veterans and military members suicide prevention account.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.60A RCW to read as follows:

Beginning December 2022, subject to the availability of amounts appropriated for this specific purpose, the governor's challenge team and service members, veterans, and their families suicide prevention advisory committee shall report to the legislature on a biannual basis regarding implementation of the plan developed by the committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.60A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall:

(1) Create and maintain a database of information on nonprofit, for-profit, city, county, state, and federal organizations, providers, and resources that address the mental health, well-being, and suicide prevention of veterans, military members, and their families. The department shall establish criteria for inclusion in the database by July 1, 2022. The department must make the database accessible on its website to veterans, military members, and their families by July 1, 2023;

(2) Provide suicide prevention education training and information for veterans, military members, and their families that is accessible through the internet; and

(3) By December 1, 2023, create, in consultation with the suicide-safer homes task force, a web-based application to be shared by state agencies and primary care providers with veterans, military members, and their families to provide applicable information and resources including but not limited to benefits, mental health resources, and lethal means safety information.

**NEW SECTION. Sec. 6.** A new section is added to chapter 18.130 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall consult with the department of veterans affairs to create educational materials informing health care providers regulated under this chapter about the availability of the nationwide 988 phone number for individuals in crisis to connect with suicide prevention and mental health crisis counselors. The educational materials must include information about the veterans crisis line for veterans and service members, and, beginning July 1, 2023, information about the resources developed under section 5 of this act.

(2) The department shall:

(a) Determine the health professions to which this section shall apply; and

(b) Collaborate with the corresponding disciplining authority under RCW 18.130.020 to ensure that the educational materials are distributed electronically to appropriate licensed health care providers when a provider renews his or her license.

(3) Beginning July 1, 2023, all health care providers are strongly encouraged to inquire with new patients entering care whether the patient is a veteran, member of the military, or a family member of a veteran or member of the military. If the patient responds in the affirmative, the provider is encouraged to share the educational materials created under this section with the patient.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the department of veterans affairs. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations.

(2) The suicide-safer homes task force shall be cochaired by the director, or the director's designee, of the department of veterans affairs and the director, or the director's designee, of the forefront suicide prevention center and also consist of the following members:

(a) Two representatives of suicide prevention organizations, selected by the cochaairs of the task force;

(b) Two representatives of the firearms industry, selected by the cochaairs of the task force;

(c) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochaairs of the task force;

(d) Two representatives of law enforcement agencies, selected by the cochaairs of the task force;

(e) One representative from the department of health;

(f) One representative from the department of fish and wildlife;

(g) One individual representing veterans;

(h) One member of a Washington or federally recognized Indian tribe;

(i) Two veterans;

(j) One representative of the national rifle association;

(k) One representative of the Second Amendment foundation;

(l) One representative of a nonprofit organization working on gun safety issues;

(m) One representative of a national firearms trade association;

(n) One representative of a Washington state pharmacy association; and

(o) No more than five other interested parties, selected by the cochaairs of the task force.

(3) The department of veterans affairs shall convene the initial meeting of the task force.

(4) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) Partner with medical providers, firearms dealers, firearms ranges, and pharmacies to develop and distribute suicide awareness and prevention messages for posters and brochures;

(c) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow-up email communications, or in writing, or both;

(d) Create a website that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force;

(e) Continue to support medical providers with suicide prevention and awareness work through the dissemination of collateral education programs;

(f) Allocate funding towards the purchase of lock boxes for dissemination via the forefront suicide prevention center's TeleSAFER program;

(g) Develop and direct advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(h) Partner with a statewide pharmacy association to market and promote medication disposal kits and safe storage devices;

(i) Train health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(j) Train local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(5) The forefront suicide prevention center shall provide subject matter expertise, technical and programmatic support, and consultation and evaluation to the task force.

(6) Beginning December 1, 2022, the task force shall annually report to the legislature on the status of its work.

(7) This section expires July 1, 2024.

**NEW SECTION. Sec. 8.** A new section is added to chapter 46.18 RCW to read as follows:

(1) The general public may purchase a prevent veteran suicide emblem for a prescribed fee set by the department. The emblem must be displayed on license plates in the manner described by the department, existing vehicular registration procedures, and current laws.

(2) The department, in creating the prevent veteran suicide emblem, must consult with the department of veterans affairs on the design of the emblem. The emblem must incorporate the 988 suicide prevention hotline or its successor.

(3) Revenues from the prevent veteran suicide emblem must be deposited into the veterans and military members suicide prevention account created in section 3 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 74.04 RCW to read as follows:

During the application process for public assistance benefits, the department shall inquire of each applicant whether he or she has ever served in the United States military services or is a family or household member of someone who has ever served in the United States military services. If the applicant answers in the affirmative, the department shall provide the applicant with information on how to contact the Washington department of veterans affairs to inquire as to whether the applicant may be eligible for any benefits, services, or programs offered to veterans, military members, or their families.

**NEW SECTION. Sec. 10.** A new section is added to chapter 9.41 RCW to read as follows:

(1) In order to better prevent suicide by veterans, military members, and their families, an expansion of safe storage of firearms and reduced access to lethal means in the community is encouraged.

(2) A dealer who provides a service of allowing a person to temporarily store a firearm on the dealer's premises in a storage locker, box, or container that is locked and not accessible to the dealer does not thereby create a special relationship, for civil liability purposes, between the dealer and the person who temporarily stores the firearm on the dealer's premises.

**NEW SECTION. Sec. 11.** A new section is added to chapter 39.04 RCW to read as follows:

FIFTY THIRD DAY, MARCH 3, 2022

(1)(a) For any building, bridge, ferry, or park being constructed or replaced after July 1, 2024, as a public works project, there must be installed in appropriate locations signs displaying the 988 national suicide prevention and mental health crisis hotline.

(b) The public body as defined in RCW 39.10.210 in control of a public works project in this subsection must decide where signs under this section would be physically feasible and appropriate. The following facilities are recommended to have such signs:

(i) Bridges where suicides by jumping have occurred or are likely to occur; and

(ii) Locations that provide services to people that have high incidence of suicide or mental health conditions that would benefit from knowing about the hotline.

(c) The signs must be designed to communicate that dialing 988 on a telephone will connect callers to behavioral health and suicide prevention services as provided in accordance with state and federal laws governing the 988 number.

(d) If a sign is located along a state highway or the interstate system, the department of transportation must approve the location prior to erecting the sign, but no permit is necessary.

(e) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs.

(2) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the public body if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this section, notwithstanding any other provision of law.

(3) The public body may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

**NEW SECTION. Sec. 12.** A new section is added to chapter 43.34 RCW to read as follows:

Any memorial established on capitol campus to commemorate the global war on terror must recognize service members who died in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn, which are classified under the umbrella term global war on terror. Any such memorial must include a component designed to reflect on the great number of active duty service members and veterans who have died by suicide after serving in these wars. The design of such a memorial must serve to honor those who are lost and provide a sacred space for healing and reflection for veterans and military families.

**NEW SECTION. Sec. 13.** (1) The Washington state global war on terror memorial account is created in the custody of the state treasurer. The purpose of the account is to support the establishment and maintenance of the memorial. The secretary of state may solicit and accept moneys from gifts, grants, or endowments for this purpose. All receipts from federal funds, gifts, or grants from the private sector, foundations, or other sources must be deposited into the account. Expenditures from the account may be used only for the design, siting, permitting, construction, maintenance, dedication, or creation of educational materials related to placement of this memorial on the capital campus. Only the secretary of state, or the secretary of state's designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but appropriation is not required for expenditures.

(2) The secretary of state may adopt rules governing the receipt and use of these funds.

**NEW SECTION. Sec. 14.** Section 11 of this act takes effect July 1, 2024.

**NEW SECTION. Sec. 15.** Section 8 of this act takes effect October 1, 2022.

**NEW SECTION. Sec. 16.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "adding new sections to chapter 43.60A RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 43.34 RCW; creating new sections; providing effective dates; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Engrossed Second Substitute House Bill No. 1181.

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute House Bill No. 1181 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1181 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866, by House Committee on Health Care & Wellness (originally sponsored by Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt, Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame)

Assisting persons receiving community support services through medical assistance programs to receive supportive housing.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) The epidemic of homelessness apparent in communities throughout Washington is creating immense suffering. It is threatening the health of homeless families and individuals, sapping their human potential, eroding public confidence, and undermining the shared values that have driven our state's prosperity, including public safety and access to public streets, parks, and facilities;

(b) In seeking to identify the causes of this epidemic, a large proportion of those unsheltered also suffer from serious behavioral health or physical health conditions that will inevitably grow worse without timely and effective health care;

(c) Housing is an indispensable element of effective health care. Stable housing is a prerequisite to addressing behavioral health needs and lack of housing is a precursor to poor health outcomes;

(d) A home, health care, and wellness are fundamental for Washington residents;

(e) Reducing homelessness is a priority of the people of Washington state and that reducing homelessness through policy alignment and reform lessens fiscal impact to the state and improves the economic vitality of our businesses;

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous, people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

(g) Washington state has many of the tools needed to address this challenge, including a network of safety net health and behavioral health care providers in both urban and rural areas, an effective system of health care coverage through apple health, and excellent public and nonprofit affordable housing providers. Yet far too many homeless families and individuals are going without the housing and health care resources they need because these tools have yet to be combined in an effective way across the state.

(2) It is the intent of the legislature to treat chronic homelessness as a medical condition and that the apple health and homes act address the needs of chronically homeless populations by pairing a health care problem with a health care solution.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Community support services" means active search and promotion of access to, and choice of, appropriate, safe, and affordable housing and ongoing supports to assure ongoing successful tenancy. The term includes, but is not limited to, services to medical assistance clients who are homeless or at risk of becoming homeless through outreach, engagement, and coordination of services with shelter and housing. The term includes benefits offered through the foundational community supports program established pursuant to the authority's federal

waiver, entitled "medicaid transformation project," as amended and reauthorized.

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

(4) "Department" means the department of commerce.

(5) "Homeless person" has the same meaning as in RCW 43.185C.010.

(6) "Housing provider" means a public or private organization that supplies permanent supportive housing units consistent with RCW 36.70A.030 to meet the housing needs of homeless persons. A housing provider may supply permanent supportive housing in a site-based or scattered site arrangement using a variety of public, private, philanthropic, or tenant-based sources of funds to cover operating costs or rent. A housing provider may also perform the functions of a community support services provider.

(7) "Office" means the office of apple health and homes created in section 5 of this act.

(8) "Program" means the apple health and homes program established in section 3 of this act.

(9) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Effective November 1, 2022, the apple health and homes program is established to provide a permanent supportive housing benefit and a community support services benefit through a network of community support services providers for persons assessed with specific health needs and risk factors.

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

(b) The entities operating the program shall coordinate resources, technical assistance, and capacity building efforts to help match eligible individuals with community support services, health care, including behavioral health care and long-term care services, and stable housing.

(2) To be eligible for community support services and permanent supportive housing under subsection (3) of this section, a person must:

(a) Be 18 years of age or older;

(b)(i) Be enrolled in a medical assistance program under this chapter and eligible for community support services;

(ii)(A) Have a countable income that is at or below 133 percent of the federal poverty level, adjusted for family size, and determined annually by the federal department of health and human services; and

(B) Not be eligible for categorically needy medical assistance, as defined in the social security Title XIX state plan; or

(iii) Be assessed as likely eligible for, but not yet enrolled in, a medical assistance program under this chapter due to the severity of behavioral health symptom acuity level which creates barriers to accessing and receiving conventional services;

(c) Have been assessed;

FIFTY THIRD DAY, MARCH 3, 2022

(i) By a licensed behavioral health agency to have a behavioral health need which is defined as meeting one or both of the following criteria:

(A) Having mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning resulting from the presence of a mental illness; or

(B) Having substance use disorder needs indicating the need for outpatient substance use disorder treatment which may be determined by an assessment using the American society of addiction medicine criteria or a similar assessment tool approved by the authority;

(ii) By the department of social and health services as needing either assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the department of social and health services through an in-person assessment conducted by the department of social and health services; or

(iii) To be a homeless person with a long-continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning, including the ability to live independently without support; and

(d) Have at least one of the following risk factors:

(i)(A) Be a homeless person at the time of the eligibility determination for the program and have been homeless for 12 months prior to the eligibility determination; or

(B) Have been a homeless person on at least four separate occasions in the three years prior to the eligibility determination for the program, as long as the combined occasions equal at least 12 months;

(ii) Have a history of frequent or lengthy institutional contact, including contact at institutional care facilities such as jails, substance use disorder or mental health treatment facilities, hospitals, or skilled nursing facilities;

(iii) Have a history of frequent stays at adult residential care facilities or residential treatment facilities;

(iv) Have frequent turnover of in-home caregivers; or

(v) Have at least one chronic condition and have been determined by the authority to be at risk for a second chronic condition as determined by the use of a predictive risk scoring tool that considers the person's age, gender, diagnosis, and medications.

(3) Once a coordinating entity verifies that a person has met the eligibility criteria established in subsection (2) of this section, it must connect the eligible person with a community support services provider. The community support services provider must:

(a) Deliver pretenancy support services to determine the person's specific housing needs and assist the person in identifying permanent supportive housing options that are appropriate and safe for the person;

(b) Fully incorporate the eligible person's available community support services into the case management services provided by the community support services provider; and

(c) Deliver ongoing tenancy-sustaining services to support the person in maintaining successful tenancy.

(4) Housing options offered to eligible participants may vary, subject to the availability of housing and funding.

(5) The community support services benefit must be sustained or renewed in accordance with the eligibility standards in subsection (2) of this section, except that the standards related to homelessness shall be replaced with an assessment of the person's likelihood to become homeless in the event that the community support services benefit is terminated. The coordinating entity must adopt procedures to conduct community support services benefit renewals, according to authority standards.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To establish and administer section 3 of this act, the authority shall:

(a)(i) Establish or amend a contract with a coordinating entity to:

(A) Assure the availability of access to eligibility determinations services for community support services benefits and permanent supportive housing benefits;

(B) Verify that persons meet the eligibility standards of section 3(2) of this act;

(C) Coordinate enrollment in medical assistance programs for persons who meet the eligibility standards of section 3(2) of this act, except for actual enrollment in a medical assistance program under this chapter; and

(D) Coordinate with a network of community support services providers to arrange with local housing providers for the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

(ii) The primary role of the coordinating entity or entities is administrative and operational, while the authority shall establish the general policy parameters for the work of the coordinating entity or entities.

(iii) In selecting the coordinating entity or entities, the authority shall: Choose one or more organizations that are capable of coordinating access to both community support services and permanent supportive housing services to eligible persons under section 3 of this act; and select no more than one coordinating entity per region which is served by medicaid managed care organizations;

(b) Report to the office for the ongoing monitoring of the program; and

(c) Adopt any rules necessary to implement the program.

(2) The authority shall establish a work group to provide feedback to the agency on its foundational community supports program as it aligns with the work of the housing benefit. The work group may include representatives of state agencies, behavioral health administrative services organizations, the coordinating entity or entities, and contracted agencies providing foundational community supports services. Topics may include, but are not limited to, best practices in eligibility screening processes and case rate billing for foundational community supports housing, regional cost differentials, costs consistent with specialized needs, improved data access and data sharing with foundational community supports providers, and requirements related to the use of a common practice tool among community support services providers to integrate social determinants of health into service delivery. The authority, in consultation with foundational community support providers and their stakeholders, shall engage each region on case management tools and programs, evaluate effectiveness, and inform the appropriate committees of the legislature on the use of case management tools. Case management shall also be a regular item of engagement in the work group. The authority shall convene the work group at least once each quarter and may expand upon, but not duplicate, existing work groups or advisory councils at the authority or other state agencies.

(3) To support the goals of the program and the goals of other statewide initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health services to research, identify, and implement statewide universal measures to

identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings. The authority shall inform the governor and the appropriate committees of the legislature on progress to this end.

(4)(a) The authority and the department may seek and accept funds from private and federal sources to support the purposes of the program.

(b) The authority shall seek approval from the federal department of health and human services to:

(i) Receive federal matching funds for administrative costs and services provided under the program to persons enrolled in medicaid;

(ii) Align the eligibility and benefit standards of the foundational community supports program established pursuant to the waiver, entitled "medicaid transformation project" and initially approved November 2017, between the authority and the federal centers for medicare and medicaid services, as amended and reauthorized, with the standards of the program, including extending the duration of the benefits under the foundational community supports program to not less than 12 months; and

(iii) Implement a medical and psychiatric respite care benefit for certain persons enrolled in medicaid.

(5)(a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

(b) By December 1, 2023, the authority and the office shall report to the governor and the legislature on the progress of the first year of program implementation and preparedness for the second year of program implementation.

(c) By December 1, 2024, the authority and the office shall report to the governor and the legislature on the progress of the first two years of program implementation and preparedness for ongoing housing acquisition and development.

(d) By December 1, 2026, the authority and the office shall report to the governor and the legislature on the full implementation of the program, including the number of persons served by the program, available permanent supportive housing units, estimated unmet demand for the program, ongoing funding requirements for the program, and funding availability for the program from all sources. Beginning December 1, 2027, the authority and the office shall provide annual updates to the governor and the legislature on the status of the program.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, there is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department or their designee.

(3) The office of apple health and homes is responsible for leading efforts under this section and coordinating a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under section 3 of this act;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(f) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in section 2 of this act.

(b) "Coordinating entity" has the same meaning as in section 2 of this act.

(c) "Housing provider" has the same meaning as in section 2 of this act.

(d) "Permanent supportive housing" has the same meaning as in section 2 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in section 5 of this act, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes

FIFTY THIRD DAY, MARCH 3, 2022

authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities of this act on a statewide basis, including in rural areas and in geographically diverse parts of the state.

**Sec. 7.** RCW 36.22.176 and 2021 c 214 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); ~~(and)~~

(c)(i) The remainder of funds must be distributed to the home security fund account, with no less than 60 percent of funds to be used for project-based vouchers for nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, ~~(or)~~ acquisition, or operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030 for persons with disabilities. Permanent supportive housing programs administered by the office of apple health and homes created in section 5 of this act are also eligible to use these funds. Priority for use must be given to ~~((project-based vouchers and related services, housing acquisition, or emergency housing, for))~~ purposes intended to house persons who are chronically homeless or maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children. ~~(At least 50 percent of persons receiving a project-based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement.)~~ In addition, funds may be used for eviction prevention rental assistance pursuant to RCW 43.185C.185, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses

issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

**NEW SECTION. Sec. 8.** Subject to amounts appropriated from the apple health and homes account created in section 6 of this act the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition or the construction of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to construct permanent supportive housing units or to acquire real property for quick conversion into permanent supportive housing units which may include predevelopment or development activities, renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Projects acquired or constructed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in section 3 of this act.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, including but not limited to:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the construction or acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(5)(a) The funding in this section shall be allocated on an ongoing basis until all funds are expended and is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(b) If the department of commerce receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For the purposes of this subsection, "greatest public benefit" must include, but is not limited to:

(i) The greatest number of qualifying permanent supportive housing units; and

(ii) The scarcity of the permanent supportive housing units applied for compared to the number of available permanent supportive housing units in the same geographic location.

**NEW SECTION. Sec. 9.** This act may be known and cited as the apple health and homes act."

On page 1, line 3 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; and creating new sections."

#### MOTION

Senator Frockt moved that the following amendment no. 1457 by Senator Frockt be adopted:

On page 3, line 11, after "(1)" strike "Effective November 1, 2022" and insert "Subject to the availability of amounts appropriated for this specific purpose"

On page 4, line 39, after "facilities;" insert "or"

On page 5, beginning on line 2, after "treatment facilities" strike all material through "medications" on line 7

On page 6, line 39, after "community" strike "support" and insert "supports"

On page 9, line 27, after "(e)" insert "Develop a publicly accessible dashboard to make key program outcomes available to the public. Key program outcomes include, but are not limited to, the number of people served by the program and the number of housing units created by the office;

(f)"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

On page 13, beginning on line 14, after "expended" strike all material through "43.185A.050" on line 15

On page 13, after line 30, insert the following:

**"NEW SECTION. Sec. 9.** A new section is added to chapter 44.28 RCW to read as follows:

The joint committee must review the efficacy of the apple health and homes program established by this act and report its findings to the appropriate committees of the legislature by December 1, 2027. The review must include a recommendation on whether this program should be continued without change or should be amended or repealed."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 14, line 4, after "RCW;" insert "adding a new section to chapter 44.28 RCW;"

Senators Frockt and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1457 by Senator Frockt on page 3, line 11 to the committee striking amendment.

The motion by Senator Frockt carried and amendment no. 1457 was adopted by voice vote.

#### MOTION

On motion of Senator Wagoner, Senator Honeyford was excused.

#### MOTION

Senator Billig moved that the following amendment no. 1455 by Senator Billig be adopted:

On page 13, beginning on line 21, after "(b)" strike all material through "program," on line 22 and insert "The department of commerce shall ensure that"

On page 13, line 23, after "department," strike "must be" and insert "are"

On page 13, line 27, after "units" insert "created by the state investment, determined by comparing simultaneous applications for funding from the same geographic region"

On page 13, beginning on line 28, after "(ii)" strike all material through "location" on line 30 and insert "Equitable geographic distribution, to the extent possible, relative to need, as determined by the establishment of regional targets"

Senator Billig spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1455 by Senator Billig on page 13, line 21 to the committee striking amendment.

The motion by Senator Billig carried and amendment no. 1455 was adopted by voice vote.

Senator Frockt spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1866.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute House Bill No. 1866 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Cleveland spoke in favor of passage of the bill.

Senators Braun and Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1866 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1866 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, King, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Health Care & Wellness (originally sponsored by Donaghy,

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

Riccelli, Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet)

Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request.

The measure was read the second time.

#### MOTION

Senator Van De Wege moved that the following amendment no. 1458 by Senator Van De Wege be adopted:

On page 4, after line 2, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 18.71 RCW to read as follows:

(1) Emergency medical services providers who are currently licensed or certified in another state or who hold a current certification from a national certifying agency approved by the department are eligible for a Washington provisional emergency services provider certification.

(2) To be eligible for a Washington provisional emergency services provider certification, the applicant shall:

(a) Be currently licensed or certified in another state and be in good standing with the emergency medical services board of that state or hold a current emergency medical services provider certification from a national certifying agency approved by the department;

(b) Be employed or have a valid employment offer from a Washington emergency medical services agency; and

(c) Be approved for a provisional status from the county medical program director in which the applicant is or will be employed.

(3) If the employer or host agency has:

(a) Fewer than 25 employees holding a current emergency medical technician or paramedic certification or license, up to 20 percent of those employees, rounded to the next whole number, may practice under a provisional certification; or

(b) Twenty-five or more employees holding a current emergency medical technician or paramedic certification or license, up to 10 percent of those employees, rounded to the next whole number, may practice under a provisional certification.

**Sec. 3.** RCW 18.73.081 and 1993 c 254 s 1 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for provisional certification, certification, recertification, decertification, or modification of certificates;

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

(e) Review and approval or disapproval of training programs; and

(f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

**Sec. 4.** RCW 18.71.205 and 2015 c 93 s 3 are each amended to read as follows:

(1) The secretary of the department of health shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician's trained advanced emergency medical technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained advanced emergency medical technicians and paramedics; and

(c) Procedures for provisional certification, certification, recertification, and decertification of physician's trained advanced emergency medical technicians and paramedics.

(2) Initial certification shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(4) As used in this chapter and chapter 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to this chapter or osteopathic medicine and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local community and local emergency medical services and trauma care council.

(5) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

(6) Such activities of physician's trained advanced emergency medical technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any time to include freestanding or nondirected actions, for actions not presenting an emergency or life-threatening condition, except nonemergency activities performed pursuant to subsection (7) of this section.

(7) Nothing in this section prohibits a physician's trained advanced emergency medical technician or paramedic, acting under the responsible supervision and direction of an approved medical program director, from participating in a community assistance referral and education services program established under RCW 35.21.930 if such participation does not exceed the participant's training and certification."

On page 1, line 3, after "request;" strike "and amending RCW 18.73.030." and insert "amending RCW 18.73.030, 18.73.081, and 18.71.205; and adding a new section to chapter 18.71 RCW."

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1458 by Senator Van De Wege on page 4, line 2 to Substitute House Bill No. 1893.

The motion by Senator Van De Wege carried and amendment no. 1458 was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1893 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1893 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1893 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 1893 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1651, by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

Allowing providers to bill separately for immediate postpartum contraception.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1651.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1651 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato and Padden

Excused: Senators Honeyford and Robinson

HOUSE BILL NO. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1708, by House Committee on Health Care & Wellness (originally sponsored by Cody, Riccelli, Bateman, Macri, Tharinger and Pollet)

Concerning facility fees for audio-only telemedicine.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1708.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1708 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 1708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1768, by House Committee on Environment & Energy (originally sponsored by Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney)

Updating definitions applicable to energy conservation projects involving public entities.

The measure was read the second time.

## MOTION

Senator Short moved that the following amendment no. 1417 by Senator Short be adopted:

On page 2, beginning on line 1, after "demand:" strike all material through "emissions." on line 3 and insert "or (iii) Energy costs."

On page 3, beginning on line 17, after "demand:" strike all material through "emissions." on line 19 and insert "or (iii) Energy cost."

On page 3, line 31, after "demand." insert "or"

On page 3, line 32, after "cost." strike "or reduce the greenhouse gas emissions."

On page 6, after line 4, insert the following:

"(3) The department of enterprise services may consider greenhouse gas emissions in addition to, but separate from, conservation."

On page 6, after line 13, insert the following:

"(3) The department of enterprise services may consider greenhouse gas emissions in addition to, but separate from, conservation."

Senator Short spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1417 by Senator Short on page 2, line 1 to Substitute House Bill No. 1768.

The motion by Senator Short did not carry and amendment no. 1417 was not adopted by voice vote.

## MOTION

On motion of Senator Lovelett, the rules were suspended, Substitute House Bill No. 1768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1768.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1768 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, King, McCune, Muzzall, Padden, Rivers, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 1768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1622, by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

Increasing the availability of sexual assault nurse examiner education in rural and underserved areas.

The measure was read the second time.

## MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1622 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1622.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1622 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

HOUSE BILL NO. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1860, by House Committee on Appropriations (originally sponsored by Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez)

Preventing homelessness among persons discharging from inpatient behavioral health settings.

The measure was read the second time.

## MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that social determinants of health, particularly housing, are highly correlated with long-term recovery from behavioral health conditions. Seeking inpatient treatment for a mental health or substance use challenge is an act of valor. Upon discharge from care, these individuals deserve a safe, stable place from which to launch their recovery. It is far easier and more cost-effective to help maintain a person's recovery after treatment than to discharge them into homelessness and begin the process anew amid another crisis. Sometimes, there may not be another chance.

(2) Therefore, it is the intent of the legislature to seize the incredible opportunity presented by a person seeking inpatient behavioral health care by ensuring that these courageous individuals are discharged to appropriate housing.

**Sec. 2.** RCW 70.320.020 and 2021 c 267 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes,

including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6)(a) The performance measures coordinating committee must establish: (i) A performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings; ~~((and))~~ (ii) performance measures which track rates of criminal justice system involvement among ~~((public health system))~~ medical assistance clients with an identified behavioral health need including, but not limited to, rates of arrest and incarceration; and (iii) performance measures which track rates of homelessness and housing instability among medical assistance clients. The authority must set improvement targets related to these measures.

(b) The performance measures coordinating committee must report to the governor and appropriate committees of the legislature regarding the implementation of this subsection by July 1, 2022.

(c) For purposes of establishing performance measures as specified in (a)(ii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, the department of corrections, and others with expertise in criminal justice and behavioral health. The work group shall review current performance measures that have been adopted in other states or nationally to inform this effort.

(d) For purposes of establishing performance measures as specified in (a)(iii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, and others with expertise in housing for low-income populations and with experience understanding the impacts of homelessness and housing instability on health. The work group shall review current performance measures that have been adopted in other states or nationally from organizations with experience in similar measures to inform this effort.

(7) The authority must report to the governor and appropriate committees of the legislature ~~((by))~~:

(a) By October 1, 2022, regarding options and recommendations for integrating value-based purchasing terms and a performance improvement project into managed health care contracts relating to the criminal justice outcomes specified under subsection (1) of this section;

(b) By July 1, 2024, regarding options and recommendations for integrating value-based purchasing terms and to integrate a collective performance improvement project into managed health care contracts related to increasing stable housing in the community outcomes specified under subsection (1) of this section. The authority shall review the performance measures and information from the work group established in subsection (6)(d) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 2023, the authority shall require that any contract with a managed care organization include a requirement to provide housing-related care coordination services for enrollees who need such services upon being discharged from inpatient behavioral health settings as allowed by the centers for medicare and medicaid services.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.12 RCW to read as follows:

With respect to a person enrolled in medical assistance under chapter 74.09 RCW, a psychiatric hospital shall make every effort to:

(1) Inform the medicaid managed care organization in which the person is enrolled of the person's discharge or change in care plan on the following timelines:

(a) For an anticipated discharge, no later than 24 hours prior to the known discharge date; or

(b) For all other discharges, including if the person leaves against medical advice, no later than the date of discharge or departure from the facility; and

(2) Engage with medicaid managed care organizations in discharge planning, which includes informing and connecting patients to care management resources at the appropriate managed care organization.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

To improve health outcomes and address health inequities, the authority shall evaluate incentive approaches and recommend funding options to increase the collection of Z codes on individual medicaid claims, in accordance with standard billing guidance and regulations."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

Senator Frockt spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care to Second Substitute House Bill No. 1860.

The motion by Senator Frockt carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Second Substitute House Bill No. 1860 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1860 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1860 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De

Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1860 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1664, by House Committee on Appropriations (originally sponsored by Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame)

Concerning prototypical school formulas for physical, social, and emotional support in schools.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the committee striking amendment by the Committee on Ways & Means be not adopted:

The President declared the question before the Senate to be the motion by Senator Pedersen to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1664.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following amendment no. 1460 by Senator Mullet be adopted:

On page 1, after line 7, insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that school nurses, social workers, psychologists, and school counselors are uniquely qualified to provide essential supports that address the physical, social, and emotional needs of students. As the COVID-19 pandemic continues to impact the health and well-being of students, the need for comprehensive student supports has grown beyond what is currently funded in the prototypical school model. Therefore, the legislature intends to provide increased allocations to school districts that demonstrate they have hired staff for these roles. The legislature hopes that this enhanced state funding will allow school districts to redirect local levy dollars previously spent on these positions to address learning loss resulting from the COVID-19 pandemic or to hire additional physical, social, and emotional support staff."

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Mullet and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1460 by Senator Mullet on page 1, line 7 to Second Substitute House Bill No. 1664.

The motion by Senator Mullet carried and amendment no. 1460 was adopted by voice vote.

## MOTION

Senator Braun moved that the following amendment no. 1462 by Senator Braun be adopted:

On page 9, line 8, after "size of" strike "fifteen" and insert "~~((fifteen))~~ 12"

On page 9, line 23, after "average," strike "1.1" and insert "~~((1.1))~~ 1.15"

On page 9, line 24, after "size of" strike "fifteen" and insert "~~((fifteen))~~ 12"

On page 17, line 35, after "size of" strike "fifteen" and insert "~~((fifteen))~~ 12"

On page 18, line 11, after "average," strike "1.1" and insert "~~((1.1))~~ 1.15"

On page 18, line 12, after "size of" strike "fifteen" and insert "~~((fifteen))~~ 12"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1462 by Senator Braun on page 9, line 8 to Second Substitute House Bill No. 1664.

The motion by Senator Braun did not carry and amendment no. 1462 was not adopted by voice vote.

## MOTION

Senator Braun moved that the following amendment no. 1461 by Senator Braun be adopted:

On page 24, after line 21, insert the following:

"Sec. 7. RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A school district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the school district's base allocation per full-time equivalent student, multiplied by 1.15;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a school district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the school district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

(A) In the 2019-20 school year, 0.995 for students eligible for and receiving special education.

(B) Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day.

(ii) If ~~((the))~~ a school district has an average annual full-time equivalent basic education enrollment of 500 or more students and its enrollment percent exceeds ~~((thirteen and five tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the school district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the school district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh school districts enrolled under RCW 28A.225.210 and excluding students residing in another school district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the school district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the school district's annual average full-time equivalent basic education enrollment."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "28A.150.100," strike "and 28A.150.410" and insert "28A.150.410, and 28A.150.390"

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

## MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 24, line 21 to Second Substitute House Bill No. 1664.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Braun, Brown, Das, Dozier, Fortunato, Gildon, Hawkins, Holy, King, Muzzall, Padden, Randall, Rivers, Schoesler, Sefzik, Short, Trudeau, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Nguyen, Nobles, Pedersen, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Excused: Senators Honeyford and Robinson.

## MOTION

FIFTY THIRD DAY, MARCH 3, 2022

Senator King moved that the following amendment no. 1463 by Senator King be adopted:

On page 24, after line 21, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) The office of the superintendent of public instruction shall provide supplemental allocations to each school district, charter school, or state-tribal education compact school that implements a year-round school calendar in an amount equal to the school district's or school's base allocation per full-time equivalent student, multiplied by the school district's or school's annual average full-time equivalent student enrollment, multiplied by 0.05.

(2) For purposes of this section, a year-round school calendar is a calendar that provides instructional days over the course of a 12-month period."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "RCW;" insert "adding a new section to chapter 28A.150 RCW;"

Senator King spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1463 by Senator King on page 24, line 21 to Second Substitute House Bill No. 1664.

The motion by Senator King did not carry and amendment no. 1463 was not adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1664 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins, Braun, Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1664 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1664 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators McCune and Padden

Excused: Senators Honeyford and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1664 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis)

Improving the state's climate response through updates to the state's comprehensive planning framework.

The measure was read the second time.

#### MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans (~~and~~), development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that help achieve statewide targets for the reduction of greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation

of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and greenspace, enhance recreational opportunities, ~~((conserve))~~ enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Environmental Resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW, address and plan to create systems to address jurisdictional needs for resilience to changing conditions including, but not limited to, wildfire, drought, flooding, air quality, other natural hazards, and protect and enhance environmental, economic, and human health and safety.

**Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ~~((fourteen))~~ 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval

of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030~~((5))~~ (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)~~((4))~~ (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the resiliency element set forth in RCW 36.70A.070(9) apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection (1) on or after April 1, 2021, and the cities with populations greater than 6,000 as of April 1, 2021, within those counties:

FIFTY THIRD DAY, MARCH 3, 2022

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000; or

(b) A county with a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of April 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) The requirements of the amendments to the rural element of RCW 36.70A.070 set forth in this act apply only to counties that are required or that choose to plan under RCW 36.70A.040 and that have a population of 20,000 or greater as of April 1, 2021.

(5) The population criteria used in this section must be based on population data as determined by the office of financial management.

**Sec. 4.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and greenspaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, including, but not limited to, reducing residential development pressure in the wildland urban interface area, creating open space buffers between human development and wildfire-prone landscapes, and protecting existing residential development through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including ~~(~~+~~)~~, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and

capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ((lines)), telecommunications ((lines)), and natural gas ((lines)) systems.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; ~~((and))~~

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170; and

(vi) Protecting existing natural areas, including native forests, grasslands, and riparian areas. As used in this subsection, the term "natural areas" excludes parcels enrolled as forestlands under RCW 84.33.035 or timberland under RCW 84.34.020. Nothing in this subsection alters the designation or protection of critical areas designated under RCW 36.70A.170 or the applicability of local regulations adopted pursuant to RCW 76.09.240.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline

development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5):

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

FIFTY THIRD DAY, MARCH 3, 2022

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ~~((and))~~, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of traffic demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ~~((provide information on the location, timing, and capacity needs of future growth))~~ inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation

system to safely, reliably, and efficiently provide access and mobility to people and goods;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system, local goals, and strive to equitably implement the multimodal network;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A resiliency element designed to address environmental related problems specific to the jurisdiction. These problems may include but are not limited to limiting damage from wildfires, sea level rise, addressing air quality issues, designing transportation systems that balance the needs of the jurisdiction and its people as well as environmental impacts.

(i) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(a).

(ii)(A) Until December 31, 2034, actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act, or considered to be consistent with those guidelines according to the process established in (a)(ii) of this subsection (9), must still be considered to be sufficient to meet the requirements of the greenhouse gas emissions reduction subelement, and must be approved by the department pursuant to section 6 of this act, if the actions provide for the authorization of the development of middle housing types within urban growth areas.

(B) Nothing in this subsection (9)(a)(ii) prohibits the authorization of the development of single-family residences.

(C) For the purposes of this subsection (9)(a)(ii), "middle housing types" means accessory dwelling units and at least one of the following housing types: Duplexes; triplexes; or quadplexes, in all zoning districts within an urban growth area that permit detached single-family residences.

(D) For the purposes of this subsection (9)(a)(ii), an action must be deemed to provide for the authorization of the development of middle housing types, if the action:

(I) Authorizes middle housing types on a lot or parcel under the same administrative process as a detached single-family residence in the same zoning district;

(II) Establishes lot or parcel sizes that are sufficient to allow for the construction of middle housing types;

(III) Establishes maximum density requirements that allow the development of middle housing types on each lot or parcel that allow for single-family residences;

(IV) Establishes applicable siting or design standards that do not individually or cumulatively cause unreasonable costs, fees, or delays to the development of middle housing types; and

(V) Either does not establish parking regulations for middle housing types, or, if the action does establish parking regulations for middle housing types, the action:

(1) Does not require off-street parking spaces for lots or parcels with an accessory dwelling unit or a duplex, or for lots or parcels that are less than 3,000 square feet;

(2) Does not require more than one off-street parking space for lots or parcels that are greater than or equal to 3,000 square feet but are less than 6,000 square feet;

(3) Does not require more than 0.5 off-street parking spaces for each dwelling unit for lots or parcels greater than or equal to 6,000 square feet;

(4) May allow on-street parking credits to satisfy off-street parking requirements;

(5) Allows, but does not require, off-street parking to be provided as a garage or carport; and

(6) Applies the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family residences in the same zoning district.

(b)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions in overburdened communities as defined in chapter 70A.02 RCW that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to extreme weather events. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built factors, that support adaptation to changing conditions consistent with environmental justice; and

(C) Address natural hazards created or aggravated by extreme weather events, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions in overburdened communities as defined in RCW 70A.02.010, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(b), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(b) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(b).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(b), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(b), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 36 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) No later than 36 months from the date provided in RCW 36.70A.130, the city or county must adopt a natural hazard mitigation plan that complies with this subsection (9)(b).

(c) The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (a) or (b) of this subsection in order to implement measures specified by the department pursuant to section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in overburdened communities as defined in RCW 70A.02.010, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed using an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035;

(c) The locations of major employment centers and transit corridors, for the purpose of increasing housing supply in these areas; and

(d) Available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations as defined in RCW 70A.02.010.

(2) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every four years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than December 31, 2022, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

(4) In any updates to the guidelines published after 2025, the department of commerce shall include a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in the guidelines what additional measures cities and counties must take in order to make further progress.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under this chapter.

(8) The provisions of this section as applied to the department of transportation are subject to the availability of amounts appropriated for this specific purpose.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city required to complete a greenhouse gas emissions reduction subelement may submit the subelement to the department for approval. When submitted to the department for approval, the subelement becomes effective when approved by the department as provided in this section. If a county or city does not seek department approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

(2) The department shall strive to achieve final action on a submitted greenhouse gas emissions reduction subelement within 180 days of receipt and shall post an annual assessment related to this performance benchmark on the agency website.

(3) Upon receipt of a proposed greenhouse gas emissions reduction subelement, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed greenhouse gas emissions reduction subelements. The comment period shall be at least 30 days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the 30-day comment period in the jurisdiction proposing the greenhouse gas emissions reduction subelement;

(c) Within 15 days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within 30 days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines adopted by the department pursuant to section 5 of this act and any reduction allocations made pursuant to RCW 36.70A.100, provide a response to the issues identified in (c) of this subsection, and either approve the greenhouse gas emissions reduction subelement as submitted, recommend specific changes necessary to make the greenhouse gas emissions reduction subelement approvable, or deny approval of the greenhouse gas emissions reduction subelement in those instances where no alteration of the greenhouse gas emissions reduction subelement appears likely to be consistent with the policy of RCW 36.70A.070 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, and made available to all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed greenhouse gas emissions reduction subelement, within 90 days after the department mails the written findings and conclusions to the local government, require the local government to:

(i) Agree to the proposed changes by written notice to the department; or

(ii) Submit an alternative greenhouse gas emissions reduction subelement. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide notice to all recipients of the written findings and conclusions. If the department determines the proposed greenhouse gas emissions reduction subelement is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposed greenhouse gas emissions reduction subelement for public and agency review pursuant to this section or reject the proposed greenhouse gas emissions reduction subelement.

(4) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(5) A greenhouse gas emissions reduction subelement takes effect when and in such form as approved or adopted by the department. The effective date is 14 days from the date of the department's written notice of final action to the local government

stating the department has approved or rejected the proposed greenhouse gas emissions reduction subelement. The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement. The department shall maintain a record of each greenhouse gas emissions reduction subelement, the action taken on any proposed greenhouse gas emissions reduction subelement, and any appeal of the department's action. The department's approved document of record constitutes the official greenhouse gas emissions reduction subelement.

(6) Promptly after approval or disapproval of a local government's greenhouse gas emissions reduction subelement, the department shall publish a notice consistent with RCW 36.70A.290 that the greenhouse gas emissions reduction subelement has been approved or disapproved. This notice must be filed for all greenhouse gas emissions reduction subelements.

(7) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

**Sec. 7.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer

FIFTY THIRD DAY, MARCH 3, 2022

substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

**Sec. 8.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, ~~((and other relevant factors))~~ presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(7) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model

resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to extreme weather events, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by changing conditions, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience; and

(e) The model element must not be required but may be implemented by any jurisdiction.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

**Sec. 10.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,

wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(32) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value excludes vehicle miles driven conveying freight.

(33) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(34) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(35) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies; with a focus on the equitable distribution of resources, benefits, and burdens in a manner that prioritizes communities that experience the greatest inequities, disproportionate impacts, and have the greatest unmet needs.

(36) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(37) "Greenspace" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

(a) Is accessible to the public;

(b) Promotes physical and mental health of residents;

(c) Provides relief from the urban heat island effects;

(d) Promotes recreational and aesthetic values;

(e) Protects streams or water supply; or

(f) Preserves visual quality along highway, road, or street corridors.

(38) "Green infrastructure" means a wide array of natural assets, built structures, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

**Sec. 11.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ~~((and))~~

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of changing conditions, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

NEW SECTION. Sec. 13. (1) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 9 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 9 of this act, takes effect two years after the date the legislature

appropriates state funding to provide to local governments for the purpose of complying with these requirements.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "framework;" strike the remainder of the title and insert "amending RCW 36.70A.020, 36.70A.480, 36.70A.070, 36.70A.320, 36.70A.190, 36.70A.030, and 86.12.200; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating new sections."

#### MOTION

Senator Short moved that the following amendment no. 1459 by Senator Short be adopted:

On page 1, beginning on line 20, after "that" strike all material through "and" on line 21

On page 2, line 17, after "space" strike "and greenspace"

On page 2, line 18, after "opportunities," strike "~~((conserve))~~ enhance" and insert "conserve"

On page 2, line 21, after "Protect" strike "and enhance"

Beginning on page 5, line 13, strike all of section 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 21, after "spaces" strike "and greenspaces"

On page 6, beginning on line 31, after "activity" strike all material through "state" on line 33

On page 7, beginning on line 1, after "tools," strike all material through "pressure" on line 2 and insert "which may include, but are not limited to, appropriate development standards for residential development"

On page 9, line 35, after "resources;" strike "~~((and))~~" and insert "and"

Beginning on page 9, line 37, after "36.70A.170;" strike all material through "76.09.240" on page 10, line 5

On page 12, beginning on line 18, after "assist" strike "~~((the department of transportation))~~" and insert "the department of transportation"

On page 14, line 4, after "meeting" strike "the"

On page 14, beginning on line 5, after "needs" strike all material through "facilities" on line 6

On page 14, line 22, after "owned" strike "or locally or regionally operated"

Beginning on page 15, line 26, strike all material through "district," on page 16, line 38

On page 18, line 20, after "additional" strike "36" and insert "48"

On page 18, line 25, after "than" strike "36" and insert "48"

On page 18, beginning on line 28, strike all of subsection (c)

Beginning on page 19, line 1, strike all of sections 5, 6, and 7

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 32, beginning on line 20, strike all of subsection (32)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 35, beginning on line 1, strike all of section 12

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 35, beginning on line 10, after "established in" strike all material through "(b)" on line 11

On page 35, beginning on line 28, after "36.70A.070," strike all material through "43.21C RCW;" on line 31 and insert

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

"36.70A.190, 36.70A.030, and 86.12.200; adding a new section to chapter 90.58 RCW;"

Senators Short and Lovelett spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1459 by Senator Short on page 1, line 20 to the committee striking amendment.

The motion by Senator Short carried and amendment no. 1459 was adopted by voice vote.

Senators Lovelett and Short spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1099.

The motion by Senator Lovelett carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute House Bill No. 1099 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1099 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1099 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Gildon, Hasegawa, Hunt, Keiser, King, Lovelett, Lovick, Mullet, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Frockt, Hawkins, Holy, Kuderer, Liias, McCune, Muzzall, Nguyen, Padden, Wagoner, Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2050, by House Committee on Appropriations (originally sponsored by Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks)

Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 2050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2050.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2050 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Fortunato, McCune, Padden, Schoesler, Wagoner and Wilson, J.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 2050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1800, by House Committee on Children, Youth & Families (originally sponsored by Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame)

Increasing access to behavioral health services for minors.

The measure was read the second time.

## MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.34 RCW to read as follows:

The authority shall dedicate at least one full-time employee to:

(1) Connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors;

(2) Creating shareable content appropriate for communicating policy and resources related to behavioral health services for minors;

(3) Designing and maintaining a communications plan related to behavioral health services for minors involving social media

and other forms of direct outreach to providers, families, and youth; and

(4) Monitoring the health care authority website to make sure that the information included on the website is accurate and designed in a manner that is accessible to families.

**NEW SECTION. Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The authority shall convene stakeholders to design, further define, and implement a parent portal. The authority shall work with stakeholders including Washington state community connectors and consider the website prototype already under development by that organization. The stakeholders convened must additionally include other parents and young adults with relevant lived experience.

(2) As used in this section, "parent portal" means a method for connecting families to their community's service and education infrastructure related to behavioral health services for minors, including services supported or provided by:

(a) A behavioral health provider as defined in RCW 71.24.025 that provides services to minors;

(b) A licensed or certified behavioral health agency as defined in RCW 71.24.025 that provides behavioral health services to minors;

(c) A long-term care facility as defined in RCW 43.190.020 in which minors with behavioral health conditions reside;

(d) The child study and treatment center as identified in RCW 71.34.380;

(e) A facility or agency that receives state funding to provide behavioral health treatment services to minors with a behavioral health condition;

(f) The department of children, youth, and families;

(g) The office of the superintendent of public instruction; and

(h) The department.

(3) By November 1, 2022, the authority shall provide a report to the governor and the appropriate committees of the legislature detailing:

(a) The stakeholder engagement conducted under this section;

(b) The design and further definition of the parent portal; and

(c) Other relevant information about successfully implementing the parent portal, including needed legislative changes or support.

**Sec. 3.** RCW 71.34.3871 and 2019 c 381 s 24 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority must conduct ((an annual survey of a sample group of)) stakeholder engagement efforts with parents, youth, and behavioral health providers to measure the impacts of implementing policies resulting from chapter 381, Laws of 2019 during the first three years of implementation and sections 1 and 2 of this act. The stakeholder engagement efforts required under this subsection must include live events soliciting feedback from stakeholders and alternative methods for stakeholders to submit feedback. The first ((survey)) stakeholder engagement efforts must be complete by ((July 1, 2020)) October 1, 2022, followed by subsequent annual ((surveys)) stakeholder engagement efforts completed by July 1, ((2021)) 2023, and by July 1, ((2022)) 2024. The authority must report on the results of the ((surveys)) stakeholder engagement efforts annually to the governor and the legislature beginning November 1, ((2020)) 2022. The final report is due November 1, ((2022)) 2024, and must include any recommendations for statutory changes identified as needed based on ((survey)) stakeholder engagement efforts results.

(2) This section expires December 31, ((2022)) 2024.

**Sec. 4.** RCW 71.40.040 and 2021 c 202 s 4 are each amended to read as follows:

The state office of behavioral health consumer advocacy shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;

(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Two parents or caregivers of a child who received behavioral health services, including one parent or caregiver of a child who received complex, multisystem behavioral health services, one parent or caregiver of a child ages one through 12, or one parent or caregiver of a child ages 13 through 17;

(k) Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(l) Other community representatives, as determined by the office; and

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

((k)) (m) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, family-initiated treatment and other behavioral health service options for minors, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for improved services for behavioral health consumers.

**Sec. 5.** RCW 71.40.090 and 2021 c 202 s 9 are each amended to read as follows:

The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs, including behavioral health services for minors;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to July 25, 2021, the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months, any significant ownership or financial interest in the provision of behavioral health services."

On page 1, line 2 of the title, after "miners;" strike the remainder of the title and insert "amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care to Substitute House Bill No. 1800.

The motion by Senator Frockt carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1800 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1800 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1800 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 1800 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1961, by House Committee on Civil Rights & Judiciary (originally sponsored by Peterson and Ramel)

Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1961.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1961 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Holy, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

SUBSTITUTE HOUSE BILL NO. 1961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, by House Committee on Consumer Protection & Business (originally sponsored by Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young)

Concerning commercial telephone solicitation.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1497.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Local Government (originally sponsored by Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson)

Concerning public meeting accessibility and participation.

The measure was read the second time.

#### MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that, due to technological advances since the 1971 adoption of the open public meetings act, elected officials no longer conduct the public's business solely at in-person meetings, but can and do utilize telephonic and other electronic methods to efficiently conduct the business of state and local government remotely. Further, limitations on public gatherings required as the result of a disaster or emergency, for example, to assist in preventing the spread of infectious diseases, may affirmatively necessitate the use of technology and the avoidance of in-person attendance at public meetings for the conduct of governmental business. It is the policy of the state that a governing body's actions, including deliberations, shall be taken and conducted in the open. When the public cannot observe and participate in person, it may limit participation in democracy. Therefore, this act shall be construed in favor of ensuring access by the public to observe elected officials when they meet pursuant to this act. It is the intent of this act to modernize and update the open public meetings act emergency procedures to reflect technological advances, while maintaining the act's public policy that governing body's actions and deliberations be taken and conducted openly while balancing public safety in emergency conditions. Governing bodies are encouraged to adopt resolutions or ordinances establishing where and how meetings will be held in the event of an emergency, in order to allow the public to more easily learn about and observe public agency action in an emergent situation.

The legislature further finds people participating in their government, especially through public comment, is an essential part of developing public policy. The legislature finds that there are numerous developing technologies that can be used to facilitate public comment, especially for those with disabilities, underserved communities, and those who face time or distance challenges when traveling to public meetings. Therefore, the legislature intends to encourage public agencies to make use of remote access tools as fully as practicable to encourage public engagement and better serve their communities.

**Sec. 2.** RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended to read as follows:

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

**Sec. 3.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to read as follows:

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend

FIFTY THIRD DAY, MARCH 3, 2022

any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

NEW SECTION. Sec. 4. A new section is added to chapter 42.30 RCW to read as follows:

(1) Public agencies are encouraged to make an audio or video recording of, or to provide an online streaming option for, all regular meetings of its governing body, and to make recordings of these meetings available online for a minimum of six months.

(2) This section does not alter a local government's recordkeeping requirements under chapter 42.56 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 42.30 RCW to read as follows:

(1) If, after the declaration of an emergency by a local or state government or agency, or by the federal government, a public agency determines that it cannot hold a meeting of the governing body with members or public attendance in person with reasonable safety because of the emergency, the public agency may:

(a) Hold a remote meeting of the governing body without a physical location; or

(b) Hold a meeting of the governing body at which the physical attendance by some or all members of the public is limited due to a declared emergency.

(2) During a remote meeting, members of the governing body may appear or attend by phone or by other electronic means that allows real-time verbal communication without being in the same physical location. For a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, the public agency must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the public agency on a locally available cable television station that is available throughout the jurisdiction or other electronic, internet, or other means of remote access that does not require any additional cost for access to the program. The public agency may also allow the other electronic means of remote access.

(3) No action may be taken at a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency if the public agency has not provided an option for the public to listen to proceedings pursuant to subsection (2) of this section, except for an executive session as authorized in this chapter.

(4) Notice of a remote meeting without a physical location or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency must be provided in accordance with this chapter and must include instructions on how the public may listen live to proceedings and on how the public may access any other electronic means of remote access offered by the public agency.

(5) A remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency that is held under the provisions of this section shall be considered open and public in compliance with the requirements of this chapter. Nothing in this section alters the ability of public agencies to take action in response to an emergency as provided for in RCW 42.30.070, or to have

members of a governing body participate in a meeting remotely with no declared emergency.

(6) Notwithstanding any other provision in this section, any governing body of a public agency which held some of its regular meetings remotely prior to March 1, 2021, may continue to hold some of its regular meetings remotely with no declared emergency so long as the public agency provides an option for the public to listen to the proceedings pursuant to subsection (2) of this section.

Sec. 6. RCW 42.30.040 and 2012 c 117 s 124 are each amended to read as follows:

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. This section does not prohibit any generally applicable conditions determined by the governing body to be reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting, including a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency.

Sec. 7. RCW 42.30.050 and 1971 ex.s. c 250 s 5 are each amended to read as follows:

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. Nothing in this section prohibits the governing body from stopping people from speaking to the governing body when not recognized by the governing body to speak.

Sec. 8. RCW 42.30.070 and 1983 c 155 s 2 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site, for a remote meeting without a physical location, or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

**Sec. 9.** RCW 42.30.077 and 2014 c 61 s 2 are each amended to read as follows:

(1) Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than ~~((twenty-four))~~ 24 hours in advance of the published start time of the meeting. An agency subject to provisions of this section ~~((is not required to post an agenda if it does not have a website or if it employs fewer than ten full-time equivalent employees))~~ may share a website with, or have its website hosted by, another public agency to post meeting agendas, minutes, budgets, contact information, and other records, including any resolution or ordinance adopted by the agency establishing where and how the public agency will meet in the event of an emergency. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

(2) A special purpose district, city, or town subject to the provisions of this section is not required to post an agenda online if the district, city, or town:

(a) Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy;

(b) Has a population within its jurisdiction of under 3,000 persons; and

(c) Provides confirmation to the state auditor at the time it files its annual reports under RCW 43.09.230 that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district's, city's, or town's population resides, would exceed one-tenth of one percent of the district's, city's, or town's budget.

**Sec. 10.** RCW 42.30.080 and 2012 c 188 s 1 are each amended to read as follows:

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by ~~((electronic mail))~~ email to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or ~~((electronic mail))~~ email; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it ~~((it))~~ does not have a website~~((-it))~~ or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice

on its website if it employs ~~((fewer than ten))~~ no full-time equivalent employees~~((s))~~, or ~~((it))~~ does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.

Such notice must be delivered or posted, as applicable, at least ~~((twenty-four))~~ 24 hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.

**Sec. 11.** RCW 42.30.090 and 2012 c 117 s 125 are each amended to read as follows:

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. ~~((Whenever))~~ Except in the case of remote meetings without a physical location as provided for in this chapter, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

**Sec. 12.** RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they

FIFTY THIRD DAY, MARCH 3, 2022

2022 REGULAR SESSION

identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential unpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.035.

NEW SECTION. Sec. 13. A new section is added to chapter 42.30 RCW to read as follows:

(1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

(2) Upon the request of any individual who will have difficulty attending a meeting of the governing body of a public agency by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the governing body shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

(3) Nothing in this section prevents a governing body from allowing public comment on items not on the meeting agenda.

(4) Nothing in this section diminishes the authority of governing bodies to deal with interruptions under RCW 42.30.050, limits the ability of the governing body to put limitations on the time available for public comment or on how public comment is accepted, or requires a governing body to accept public comment that renders orderly conduct of the meeting unfeasible.

**Sec. 14.** RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each amended to read as follows:

This chapter may be known and cited as the (~~"Open Public Meetings Act of 1971"~~) Washington state open public meetings act or OPMA.

**NEW SECTION. Sec. 15.** Sections 5 through 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "participation;" strike the remainder of the title and insert "amending RCW 42.30.010, 42.30.030, 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, 42.30.090, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; creating a new section; and declaring an emergency."

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1456 by Senator Wilson, J. be adopted:

On page 4, line 18, after "March 1," strike "2021" and insert "2020"

Senators Wilson, J. and Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1456 by Senator Wilson, J. on page 4, line 18 to the committee striking amendment.

The motion by Senator Wilson, J. carried and amendment no. 1456 was adopted by voice vote.

#### MOTION

Senator Dozier moved that the following amendment no. 1416 by Senator Dozier be adopted:

On page 12, after line 15, insert the following:

"**Sec. 15.** RCW 42.56.080 and 2017 c 304 s 2 are each amended to read as follows:

(1)(a) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(b) A request for a recording required to be maintained by a school district board of directors under RCW 42.30.035(2) shall only be considered a valid request for an identifiable record when the date of the recording, or a range of dates, is specified in the request. When searching for and providing identifiable recordings, no search criteria except date must be considered by the school district.

(2) Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(8) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received in person during an

agency's normal office hours, or by mail or email, for identifiable public records unless exempted by provisions of this chapter. No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency provided form or web page.

(3) An agency may deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. For purposes of this subsection, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.

**NEW SECTION. Sec. 16.** A new section is added to chapter 42.56 RCW to read as follows:

The failure to provide a recording of a school district board of directors meeting that is required to be recorded under RCW 42.30.035(2) shall not be a basis for finding that a requester has been denied an opportunity to inspect or copy a public record if the recording, despite the good faith efforts of the school district board of directors to create a recording, is unavailable or unintelligible due to technical issues.

**Sec. 17.** RCW 42.30.035 and 1953 c 216 s 3 are each amended to read as follows:

(1) The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

(2) Except in the case of an emergency as provided for in RCW 42.30.070, and excluding executive sessions, all regular and special meetings of school district boards of directors at which a final action is taken or formal public testimony is accepted shall be audio recorded and such recordings shall be maintained for a period of not less than five years. The recording shall include the comments of the directors and the comments of members of the public, if any formal testimony was accepted from the public during the meeting. Subject to the limitations on identifiable records in RCW 42.56.080(1), such recordings must be provided electronically to the public upon request. It is not a violation of this chapter if a school board attempts to record a meeting in good faith and, due to technological issues, a recording is not made or if any or all of a recording is unintelligible. Whenever possible, school districts are encouraged to make the content of school board of directors meetings, or a summary thereof, available in formats accessible to individuals who need communication assistance and in languages other than English.

**NEW SECTION. Sec. 18.** A new section is added to chapter 28A.320 RCW to read as follows:

The meetings of school district boards of directors are subject to the requirements of RCW 42.30.035(2).

**NEW SECTION. Sec. 19.** Sections 15 through 18 of this act take effect June 30, 2023."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 12, line 23, after "42.30.110," strike "and 42.30.900" and insert "42.30.900, 42.56.080, and 42.30.035"

On page 12, line 23, after "RCW;" insert "adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW;"

On page 12, line 24, after "section;" insert "providing an effective date;"

Senator Dozier spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

FIFTY THIRD DAY, MARCH 3, 2022

The President declared the question before the Senate to be the adoption of amendment no. 1416 by Senator Dozier on page 12, line 15 to the committee striking amendment.

The motion by Senator Dozier did not carry and amendment no. 1416 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections as amended to Engrossed Substitute House Bill No. 1329.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1329 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1329 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1329 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:00 o'clock noon, on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Friday, March 4, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FIFTY FOURTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Friday, March 4, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Robinson.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Narayan Das and Mr. Niam Das, nephews of Senator Das, led the Senate in the Pledge of Allegiance.

The prayer was offered by Sheikh Adam Jamal, Imam, Muslim Association of Puget Sound, Redmond.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

March 3, 2022

MR. PRESIDENT:  
The House has passed:

- SENATE BILL NO. 5042,
- SENATE BILL NO. 5504,
- SENATE BILL NO. 5508,
- SENATE BILL NO. 5539,
- SENATE BILL NO. 5565,
- SUBSTITUTE SENATE BILL NO. 5589,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5593,
- SECOND SUBSTITUTE SENATE BILL NO. 5616,
- SENATE BILL NO. 5715,
- SECOND SUBSTITUTE SENATE BILL NO. 5736,
- SENATE BILL NO. 5750,
- SUBSTITUTE SENATE BILL NO. 5785,
- SUBSTITUTE SENATE BILL NO. 5814,
- SENATE BILL NO. 5895,
- SUBSTITUTE SENATE BILL NO. 5933,
- SENATE BILL NO. 5972,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2022

MR. PRESIDENT:  
The House has passed:

- SUBSTITUTE SENATE BILL NO. 5558,
- SUBSTITUTE SENATE BILL NO. 5765,
- SUBSTITUTE SENATE BILL NO. 5791,
- SUBSTITUTE SENATE BILL NO. 5838,
- SENATE BILL NO. 5854,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2022

MR. PRESIDENT:  
The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1717,

- SUBSTITUTE HOUSE BILL NO. 1747,
- ENGROSSED HOUSE BILL NO. 1752,
- ENGROSSED HOUSE BILL NO. 1784,
- HOUSE BILL NO. 1888,
- SUBSTITUTE HOUSE BILL NO. 1980,
- SUBSTITUTE HOUSE BILL NO. 1984,
- HOUSE BILL NO. 2074,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2022

MR. PRESIDENT:  
The Speaker has signed:

- HOUSE BILL NO. 1051,
- HOUSE BILL NO. 1613,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795,
- SECOND SUBSTITUTE HOUSE BILL NO. 1818,
- HOUSE BILL NO. 1832,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930,
- SUBSTITUTE HOUSE BILL NO. 2019,
- ENGROSSED HOUSE BILL NO. 2096,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2022

MR. PRESIDENT:  
The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1642,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716,
- SUBSTITUTE HOUSE BILL NO. 1724,
- HOUSE BILL NO. 1833,
- SUBSTITUTE HOUSE BILL NO. 1867,
- HOUSE BILL NO. 1934,
- SUBSTITUTE HOUSE BILL NO. 1941,
- HOUSE BILL NO. 1953,
- HOUSE BILL NO. 1974,
- HOUSE BILL NO. 2033,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2022

MR. PRESIDENT:  
The Speaker has signed:

- SENATE BILL NO. 5518,
- SENATE BILL NO. 5545,
- SUBSTITUTE SENATE BILL NO. 5575,
- SENATE BILL NO. 5602,
- SENATE BILL NO. 5617,
- SUBSTITUTE SENATE BILL NO. 5631,
- SENATE BILL NO. 5676,
- ENGROSSED SENATE BILL NO. 5800,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,
- SENATE BILL NO. 5866,
- SENATE BILL NO. 5875,
- SUBSTITUTE SENATE BILL NO. 5890,
- SENATE BILL NO. 5931,
- SENATE BILL NO. 5940,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

## MOTION

Pursuant to Emergency Senate Rule I and having provided the required notification earlier in the day, on motion of Senator Billig, the Committee on Rules was relieved of further consideration of the following measures:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,  
 SUBSTITUTE HOUSE BILL NO. 1620,  
 ENGROSSED SECOND SUBSTITUTE  
 HOUSE BILL NO. 1659,  
 HOUSE BILL NO. 1704,  
 ENGROSSED SECOND SUBSTITUTE  
 HOUSE BILL NO. 1723,  
 SUBSTITUTE HOUSE BILL NO. 1759,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1827,  
 ENGROSSED HOUSE BILL NO. 1942,  
 SUBSTITUTE HOUSE BILL NO. 1958,

and SECOND SUBSTITUTE HOUSE BILL NO. 2078

and the measures were placed on the the day's second reading calendar.

## MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Carlyle moved that Ann E. Rendahl, Senate Gubernatorial Appointment No. 9245, be confirmed as a member of the Utilities and Transportation Commission.

Senators Carlyle, Short, Randall and Sheldon spoke in favor of passage of the motion.

## MOTIONS

On motion of Senator Wagoner, Senator Schoesler was excused.

On motion of Senator Randall, Senator Robinson was excused.

## APPOINTMENT OF ANN E. RENDAHL

The President declared the question before the Senate to be the confirmation of Ann E. Rendahl, Senate Gubernatorial Appointment No. 9245, as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of Ann E. Rendahl, Senate Gubernatorial Appointment No. 9245, as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hawkins, Robinson and Schoesler

Ann E. Rendahl, Senate Gubernatorial Appointment No. 9245, having received the constitutional majority was declared

confirmed as a member of the Utilities and Transportation Commission.

EDITOR'S NOTE: Due to operational issues encountered while recording the vote on Senate Gubernatorial Appointment No. 9245, Senator Hawkins was recorded as excused.

## THIRD READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Das moved that Karen T. Lee, Senate Gubernatorial Appointment No. 9006, be confirmed as a member of the Western Washington University Board of Trustees.

Senators Das, Holy and Nobles spoke in favor of passage of the motion.

## APPOINTMENT OF KAREN T. LEE

The President declared the question before the Senate to be the confirmation of Karen T. Lee, Senate Gubernatorial Appointment No. 9006, as a member of the Western Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Karen T. Lee, Senate Gubernatorial Appointment No. 9006, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Schoesler

Karen T. Lee, Senate Gubernatorial Appointment No. 9006, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

## PARLIAMENTARY INQUIRY

Senator Hawkins: "Thank you Mr. President. I just have a question I wanted to share with you about the voting system? Perhaps you're aware but the issues, at least I was having on my end – and I did upload a substantial update this morning just before we went on – and when we were voting on the gubernatorial appointment confirmations, they came up as an amendment, not a recorded vote. So, I did not have the option to know whether I voted or not and, apparently, on the first gubernatorial appointee, it either shows me as absent or excused but I did vote sir. And I'm hopeful that, given the technological challenges, perhaps Senator Pedersen might consider a revote of the, at least the first gubernatorial appointee? It does sound like there are some challenges this morning with the system but that's what I wanted to point out, is that the roll call votes don't always display as roll calls. They were displaying as amendment votes."

President Heck: "Senator Hawkins, that's why every individual member's name is announced along with their vote, and each is given an opportunity to change their vote."

Senator Hawkins: "And I, I tried, sir, but I wasn't recognized. So ... That's fine, I don't, I guess I don't mind being excused but it wasn't my fault. I was here and I was actively trying to participate."

President Heck: "So noted."

#### MOTIONS

On motion of Senator Pederson, pursuant to Rule 18, Substitute House Bill No. 1616, relating to charity care, was made a special order of business of the day to be considered at 4:55 p.m.

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1905, by House Committee on Appropriations (originally sponsored by Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet)

Reducing homelessness for youth and young adults discharging from a publicly funded system of care.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 1905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1905.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1905 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Robinson and Schoesler

SECOND SUBSTITUTE HOUSE BILL NO. 1905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753, by House Committee on Environment & Energy (originally sponsored by Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young)

Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute House Bill No. 1753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1753.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1753 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Public Safety (originally sponsored by Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby)

Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following amendment no. 1397 by Senator Dhingra be adopted:

On page 3, line 16, after "agencies," insert "federally recognized tribes,"

On page 4, line 8, after "agencies," insert "federally recognized tribes,"

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

Senators Dhingra and Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1397 by Senator Dhingra on page 3, line 16 to Substitute House Bill No. 1571.

The motion by Senator Dhingra carried and amendment no. 1397 was adopted by voice vote.

## MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1571 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1571 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1571 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1571 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1717,  
SUBSTITUTE HOUSE BILL NO. 1747,  
ENGROSSED HOUSE BILL NO. 1752,  
ENGROSSED HOUSE BILL NO. 1784,  
HOUSE BILL NO. 1888,  
SUBSTITUTE HOUSE BILL NO. 1980,  
SUBSTITUTE HOUSE BILL NO. 1984,  
and HOUSE BILL NO. 2074.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2008, by House Committee on Appropriations (originally sponsored by Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet)

Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 2008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., and Gildon spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2008.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2008 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, McCune, Padden and Warnick

Excused: Senator Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 2008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REMARKS BY THE PRESIDENT

President Heck "Senator Muzzall. Senator Muzzall, did you not have a point of personal privilege that you wanted to express this day? This fairly special day?"

Senator Muzzall: "Well, I am just happy to have made it."

President Heck "Alright, be that way."

## REMARKS BY SENATOR MUZZALL

Senator Muzzall: "I am just happy to have made it. I've buried way too many friends and relatives. When people complain about their birthdays, I just feel blessed to have made it to my fifty-ninth."

President Heck "Happy Birthday Senator."

Senator Muzzall: "Thank you Mr. President."

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, by House Committee on Finance (originally sponsored by Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen,

Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba)

Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.

The measure was read the second time.

#### MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that Washington state has one of the strongest economies in the country. However, despite the strong economy, our state has entered an affordable housing crisis where low-income and middle-income households have the fewest number of housing options. Furthermore, it is estimated that Washington state's housing gap is among the most severe in the nation, with only 29 affordable and available rental homes for every 100 extremely low-income households.

(2) The legislature concludes that in the spirit of one Washington, the health of all Washingtonians will benefit from a larger stock in affordable housing. Therefore, it is the intent of the legislature to incentivize real property transfers to nonprofit housing providers, public housing authorities, or local governments to increase the availability of affordable housing for low-income Washingtonians.

**NEW SECTION. Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences in sections 3 and 4, chapter . . . , Laws of 2022 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage sales or transfers of real property to nonprofit entities, housing authorities, or public corporations that intend to use the transferred property for housing for low-income persons.

(4) If a review finds that the number of sales or transfers of real property to qualified entities has not increased, then the legislature intends to repeal the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including the transfer or sale of properties reported by county records.

**Sec. 3.** RCW 82.45.010 and 2019 c 424 s 3, 2019 c 390 s 10, and 2019 c 385 s 2 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or

any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity.

The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) The sale by an affordable homeownership facilitator of self-help housing to a low-income household. ~~((The definitions in section 2 of this act apply to this subsection.))~~

(ii) The definitions in this subsection (3)(u) apply to this subsection (3)(u) unless the context clearly requires otherwise.

(A) "Affordable homeownership facilitator" means a nonprofit community or neighborhood-based organization that is exempt from income tax under Title 26 U.S.C. Sec. 501(c) of the internal revenue code of 1986, as amended, as of October 1, 2019, and that is the developer of self-help housing.

(B) "Low-income" means household income as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(C) "Self-help housing" means dwelling residences provided for ownership by low-income individuals and families whose ownership requirement includes labor participation. "Self-help housing" does not include residential rental housing provided on a commercial basis to the general public.

(v)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(v), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (v)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, within the timelines described in (v)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (v)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (v)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (v)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (v)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(v), "low-income" has the same meaning as in (u) of this subsection.

**Sec. 4.** RCW 82.45.010 and 2019 c 424 s 3 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option

FIFTY FOURTH DAY, MARCH 4, 2022

is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington

state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer

agreement and any other documentation as required by the department.

(u)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(u), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (u)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, within the timelines described in (u)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (u)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (u)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (u)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The

FIFTY FOURTH DAY, MARCH 4, 2022

qualifying grantee must provide proof to the department as required by the department once the requirements as described in (u)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(u), "low-income" means household income as defined by the department, provided that the definition may not exceed 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

NEW SECTION. Sec. 5. The expiration date provisions of RCW 82.32.805(1)(a) do not apply to the tax preferences in sections 3 and 4, chapter . . . , Laws of 2022 (sections 3 and 4 of this act).

NEW SECTION. Sec. 6. Section 3 of this act takes effect January 1, 2023.

NEW SECTION. Sec. 7. Section 3 of this act expires January 1, 2030.

NEW SECTION. Sec. 8. Section 4 of this act takes effect January 1, 2030."

On page 1, line 4 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1643.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1643 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1643 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1643 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:57 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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AFTERNOON SESSION

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The Senate was called to order at 1:06 p.m. by the Vice President Pro Tempore, Senator Lovick presiding.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1835, by House Committee on Appropriations (originally sponsored by Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby)

Creating outreach and completion initiatives to increase postsecondary enrollment.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid.

**NEW SECTION. Sec. 4.** (1) Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. The state library shall, as a condition of the grant pilot program, require local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program.

**Sec. 5.** RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a)(i) Demonstrate financial need under RCW 28B.92.205;  
(ii) Receive one of the following types of public assistance:  
(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;

(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one of the types of public assistance listed in (a)(ii) of this subsection and

FIFTY FOURTH DAY, MARCH 4, 2022

have received a certificate confirming eligibility from the office in accordance with section 6 of this act:

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28B.92 RCW to read as follows:

(1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. The department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students in 10th, 11th, and 12th grades whose families are receiving benefits under one of the public assistance programs listed under RCW 28B.92.200(5), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The

office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the certificate to receive the Washington college grant.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.92 RCW to read as follows:

The office shall collaborate with the department of social and health services to facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program.

**Sec. 8.** RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each amended to read as follows:

(1)(a) For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

(b) Unless prohibited by federal law, for the purpose of investigating and preventing child abuse and neglect and providing for the health care coordination and well-being of children in foster care, the department and the authority shall disclose to the department of children, youth, and families the following information: Developmental disabilities administration client records; home and community services client records; long-term care facility or certified community residential supports records; health care information; child support information; food assistance information; and public assistance information. Disclosure under this subsection (1)(b) is mandatory for the purposes of the federal health insurance portability and accountability act.

(c) Upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

(d) Unless prohibited by federal law, the department is permitted to release individual-level data of state-funded public assistance programs listed under RCW 28B.92.200 to the student

achievement council under chapter 28B.77 RCW for the purposes of section 6 of this act.

(e) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

(2) The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

(3) The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

(4) It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28B.120 RCW to read as follows:

(1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment and completion for students enrolling directly from high school and adults returning to education; and

(b) Eliminate educational opportunity gaps for students of color, English language learners, students with disabilities, and foster and homeless youth.

(2)(a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) The commission on African American affairs;

(v) The commission on Hispanic affairs;

(vi) The commission on Asian Pacific American affairs;

(vii) The Washington state LGBTQ commissions;

(viii) The governor's office of Indian affairs; and

(ix) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that:

(i) Plan and pilot innovative initiatives to raise educational attainment and decrease opportunity gaps;

(ii) Engage community-based organizations and resources;

(iii) Expand the use of integrated work-based learning;

(iv) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training; and

(v) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(3) The student achievement council shall provide a report each year beginning September 1, 2022, to the governor and the education and higher education committees of the legislature in accordance with RCW 43.01.036. The report shall:

(a) Describe grants awarded;

(b) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(c) Disaggregate data by income, race, ethnicity, and other demographic characteristics.

**Sec. 10.** RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The ~~((student achievement council fund for innovation and quality))~~ Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received ~~((under RCW 28B.120.030))~~ for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of ~~((RCW 28B.120.010 and 28B.120.020))~~ awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but ~~((no))~~ an appropriation is not required for disbursements.

**Sec. 11.** RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship ~~((account))~~ account, the Washington advanced college tuition

FIFTY FOURTH DAY, MARCH 4, 2022

payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1)RCW 28B.120.005 (Findings) and 2010 c 245 s 6, 1999 c 169 s 2, & 1991 c 98 s 1;

(2)RCW 28B.120.010 (Washington fund for innovation and quality in higher education program—Incentive grants) and 2012 c 229 s 571, 2010 c 245 s 7, 1999 c 169 s 5, 1996 c 41 s 1, & 1991 c 98 s 2;

(3)RCW 28B.120.020 (Program administration—Powers and duties of student achievement council) and 2012 c 229 s 572, 2011 1st sp.s. c 11 s 235, 2010 c 245 s 8, 1999 c 169 s 3, 1996 c 41 s 2, & 1991 c 98 s 3;

(4)RCW 28B.120.025 (Program administration—Powers and duties of state board for community and technical colleges) and 2012 c 229 s 573 & 1999 c 169 s 4;

(5)RCW 28B.120.030 (Receipt of gifts, grants, and endowments) and 2012 c 229 s 574, 1999 c 169 s 6, & 1991 c 98 s 4; and

(6)RCW 28B.120.900 (Intent—1999 c 169) and 1999 c 169 s 1.

**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "enrollment;" strike the remainder of the title and insert "amending RCW 28B.92.200, 74.04.060, and 28B.120.040; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28B.120 RCW; creating new sections; and repealing RCW 28B.120.005, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, and 28B.120.900."

The Vice President Pro Tempore declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1835.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Randall moved that the following striking amendment no. 1415 by Senator Randall be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound

scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student

achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid.

**NEW SECTION. Sec. 4.** (1) Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. The state library shall, as a condition of the grant pilot program, require local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program.

**Sec. 5.** RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a)(i) Demonstrate financial need under RCW 28B.92.205;

(ii) Receive one of the following types of public assistance:

(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;

(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one of the types of public assistance listed in (a)(ii) of this subsection and have received a certificate confirming eligibility from the office in accordance with section 6 of this act;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28B.92 RCW to read as follows:

(1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. The department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students in 10th, 11th, and 12th grades whose families are receiving benefits under one of the public assistance programs listed under RCW 28B.92.200(5), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the certificate to receive the Washington college grant.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.92 RCW to read as follows:

The office shall collaborate with the department of social and health services to facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program.

**Sec. 8.** RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each amended to read as follows:

(1)(a) For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

(b) Unless prohibited by federal law, for the purpose of investigating and preventing child abuse and neglect and providing for the health care coordination and well-being of children in foster care, the department and the authority shall disclose to the department of children, youth, and families the following information: Developmental disabilities administration client records; home and community services client records; long-term care facility or certified community residential supports records; health care information; child support information; food assistance information; and public assistance information.

Disclosure under this subsection (1)(b) is mandatory for the purposes of the federal health insurance portability and accountability act.

(c) Upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

(d) Unless prohibited by federal law, the department is permitted to release individual-level data of state-funded public assistance programs listed under RCW 28B.92.200 to the student achievement council under chapter 28B.77 RCW for the purposes of section 6 of this act.

(e) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

(2) The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

(3) The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

(4) It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "enrollment;" strike the remainder of the title and insert "amending RCW 28B.92.200 and 74.04.060; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections."

Senator Randall spoke in favor of adoption of the striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 1415 by Senator Randall to Second Substitute House Bill No. 1835.

The motion by Senator Randall carried and striking amendment no. 1415 was adopted by voice vote.

## MOTION

On motion of Senator Randall, the rules were suspended, Second Substitute House Bill No. 1835 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Wilson, C. spoke in favor of passage of the bill.

Senators Holy and Braun spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1835 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1835 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1835 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, by House Committee on Appropriations (originally sponsored by Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame)

Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.

The measure was read the second time.

## MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

### "PART 1 INTRODUCTION

NEW SECTION. Sec. 101. This act may be known and cited as the digital equity act.

NEW SECTION. Sec. 102. (1) The legislature finds that:

(a) Access to the internet is essential to participating in modern day society including, but not limited to, attending school and

FIFTY FOURTH DAY, MARCH 4, 2022

work, accessing health care, paying for basic services, connecting with family and friends, civic participation, and economic survival.

(b) For too many people in both rural and urban areas, the cost of being online is unaffordable. The legislature recognizes that building the last mile of broadband to the home is prohibitively expensive and that urban areas that are home to people earning low incomes continue to face digital redlining. Across the state there is a lack of affordable plans, barriers to enrolling in appropriate broadband plans, and barriers to fully utilize the opportunities that broadband offers.

(c) The COVID-19 pandemic has further highlighted the need for affordable access, devices, and skills to use the internet.

(d) The need for more accessible and affordable internet is felt more acutely among specific sectors of the population, especially Washington residents in rural areas, people who are currently earning low incomes, seniors and others who lack the skills necessary to get online, people with first languages other than English, immigrant communities, and people with disabilities.

(e) The federal government is allocating considerable sums for investment in digital equity that the state broadband office will help to leverage for residents across Washington. Continued comprehensive efforts, including coordination with tribal partners, are needed to ensure truly equitable access. The legislature recognizes that there will be a need for ongoing development and maintenance of broadband infrastructure. The legislature also recognizes that there is a need for ongoing outreach by community-based partnerships to provide enrollment assistance to lower the cost of internet subscriptions and devices.

(2) Therefore, the legislature intends to broaden access to the internet, the appropriate devices, and the skills to operate online safely and effectively so that all people in Washington can fully participate in our society, democracy, and economy by expanding assistance and support programs offered in the state and establishing the governor's statewide broadband office as a central access point to such programs.

## PART 2

### STATE DIGITAL EQUITY PLAN

NEW SECTION. **Sec. 201.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The office, in consultation with the digital equity forum, the utilities and transportation commission, and the department of social and health services, must develop a state digital equity plan.

(a) The office must seek any available federal funding for purposes of developing and implementing the state digital equity plan.

(b) The state digital equity plan must include such elements as the office determines are necessary to leverage federal funding.

(2) In developing the plan, the office must identify measurable objectives for documenting and promoting digital equity among underserved communities located in the state.

(3) By December 1, 2023, the office must submit a report to the governor and the appropriate committees of the legislature, including the following:

(a) The digital equity plan described in subsection (1) of this section and measurable objectives described in subsection (2) of this section;

(b) A description of how the office collaborated with the membership of the digital equity forum, state agencies, and key stakeholders to develop the plan including, but not limited to, the following:

- (i) Community anchor institutions;
- (ii) Local governments;
- (iii) Local educational agencies;

(iv) Entities that carry out workforce development programs; and

(v) Broadband service providers;

(c) A description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and

(d) Recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

(4) For the purpose of this section, "office" means the statewide broadband office established in RCW 43.330.532.

## PART 3

### DIGITAL EQUITY OPPORTUNITY PROGRAM

**Sec. 301.** RCW 43.330.530 and 2019 c 365 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 43.330.532 through 43.330.538, 43.330.412, and sections 305 and 306 of this act unless the context clearly requires otherwise.

(1) "Board" means the public works board established in RCW 43.155.030.

(2) "Broadband" or "broadband service" means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide twenty-five megabits per second download and three megabits per second upload.

(3) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

(4) "Department" means the department of commerce.

(5) "Last mile infrastructure" means broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment.

(6) "Local government" includes cities, towns, counties, municipal corporations, public port districts, public utility districts, quasi-municipal corporations, special purpose districts, and multiparty entities comprised of public entity members.

(7) "Middle mile infrastructure" means broadband infrastructure that links a broadband service provider's core network infrastructure to last mile infrastructure.

(8) "Office" means the governor's statewide broadband office established in RCW 43.330.532.

(9) "Tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

(10) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service, as defined by the office, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload.

(11)(a) "Advanced telecommunications capability" means, without regard to any transmission media or technology, high-speed, switched, broadband telecommunications capability that enables users to originate and receive high quality voice, data, graphics, and video telecommunications using any technology.

(b) "Advanced telecommunications capability" does not include access to a technology that delivers transmission speeds

below the minimum download and upload speeds provided in the definition of broadband in this section.

(12) "Aging individual" means an individual 55 years of age or older.

(13) "Broadband adoption" means the process by which an individual obtains daily access to the internet:

(a) At a speed, quality, price, and capacity necessary for the individual to accomplish common tasks, such that the access qualifies as an advanced telecommunications capability;

(b) Providing individuals with the digital skills necessary to participate online;

(c) On a device connected to the internet and other advanced telecommunications services via a secure and convenient network, with associated end-user broadband infrastructure equipment such as wifi mesh router or repeaters to enable the device to adequately use the internet network; and

(d) With technical support and digital navigation assistance to enable continuity of service and equipment use and utilization.

(14) "Digital equity" means the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society and the economy.

(15)(a) "Digital inclusion" means the activities that are necessary to ensure that all individuals in Washington have access to, and the use of, affordable information and communication technologies including, but not limited to:

(i) Reliable broadband internet service;

(ii) Internet-enabled devices that meet the needs of the user; and

(iii) Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

(b) "Digital inclusion" also includes obtaining access to digital literacy training, the provision of quality technical support, and obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(16) "Digital literacy" means the skills associated with using technology to enable users to use information and communications technologies to find, evaluate, organize, create, and communicate information.

(17) "Low-income" means households as defined by the department of social and health services, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator.

(18) "Underserved population" means any of the following:

(a) Individuals who live in low-income households;

(b) Aging individuals;

(c) Incarcerated individuals;

(d) Veterans;

(e) Individuals with disabilities;

(f) Individuals with a language barrier, including individuals who are English learners or who have low levels of literacy;

(g) Individuals who are members of a racial or ethnic minority group;

(h) Individuals who primarily reside in a rural area;

(i) Children and youth in foster care; or

(j) Individuals experiencing housing instability.

**Sec. 302.** RCW 43.330.532 and 2021 c 258 s 2 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility and adoption for unserved and underserved communities and populations.

**Sec. 303.** RCW 43.330.534 and 2021 c 258 s 3 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, public housing agencies, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160, the digital equity opportunity program created in RCW 43.330.412, and the digital equity planning grant program created in section 305 of this act with seeking federal funding or matching grants and other grant opportunities for deploying or increasing adoption of broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) The office shall coordinate an outreach effort to hard-to-reach communities and low-income communities across the state to provide information about broadband programs available to consumers of these communities. The outreach effort must include, but is not limited to, providing information to applicable

FIFTY FOURTH DAY, MARCH 4, 2022

communities about the federal lifeline program and other low-income broadband benefit programs. The outreach effort must be reviewed by the office of equity annually. The office may contract with other public or private entities to conduct outreach to communities as provided under this subsection.

(6) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

**Sec. 304.** RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each amended to read as follows:

The ~~((community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology))~~ digital equity opportunity program is created to advance broadband adoption and digital equity and inclusion throughout the state. The digital equity opportunity program must be administered by the department. The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the ~~((community technology))~~ digital equity opportunity program the director must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to ~~((community technology))~~ digital equity programs throughout the state~~((and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen))~~ and additional support for the purpose of:

(i) Evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and

(ii) Developing, cataloging, disseminating, and promoting the exchange of best practices, with respect to and independent of the covered programs, in order to achieve digital equity. After July 1, 2024, no more than 15 percent of funds received by the director for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to ~~((provide training and skill-building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through))~~ advance digital equity and digital inclusion by providing:

(i) Training and skill-building opportunities;

(ii) Access to hardware and software, including online service costs such as application and software;

(iii) Internet connectivity;

(iv) Digital media literacy and cybersecurity training;

(v) Assistance in the adoption of information and communication technologies for low-income and underserved populations of the state;

(vi) Development of locally relevant content and delivery of vital services through technology; and

(vii) Technical support;

(c) Collaborate with broadband stakeholders, including broadband action teams across the state, in implementing the program as provided under this subsection; and

(d) For the purposes of this section, include wireless meshed network technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

~~((Provide evidence of matching funds and resources, which are equivalent to at least one quarter of the grant amount committed to the applicant's strategy;~~

~~((f))~~ Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

~~((g))~~ (f) Comply with such other requirements as the director establishes.

(3) The digital equity forum shall review grant applications and provide input to the director regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(4) In awarding grants under the digital equity opportunity program created in this section, the director must:

(a) Consider the input provided by the digital equity forum, as provided in subsection (3) of this section, in awarding grants; and

(b) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants.

(5) The director may use no more than ~~((ten))~~ 10 percent of funds received for the ~~((community technology))~~ digital equity opportunity program to cover administrative expenses.

~~((4))~~ (6) The director must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

**NEW SECTION. Sec. 305.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department shall establish a digital equity planning grant program.

(2)(a) This program must provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state. Only the director or the director's designee may authorize expenditures.

(b) Priority must be given for grant applications:

(i) Accompanied by express support from community or neighborhood-based nonprofit organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners and partners from the categories of institutions identified in RCW 43.330.421; and

(ii) That intend to use community-based participatory action research methods as a part of the proposed plan.

(3) An applicant must submit an application to the department in order to be eligible for funding under this section.

(4) The digital equity forum shall review grant applications and provide input to the department regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(5) The department must:

(a) Pursuant to subsection (2)(b) of this section, evaluate and rank applications using objective criteria such as the number of underserved populations served and subjective criteria such as the

degree of support and engagement evidenced by the community who will be served;

(b) Consider the input provided by the forum, as provided in subsection (4) of this section, in awarding grants under the digital equity planning grant program; and

(c) RConsider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants under the digital equity planning grant program.

(6) The department shall develop criteria for what the digital equity plans must include.

(7) The department may adopt rules to implement this section.

**NEW SECTION. Sec. 306.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington digital equity forum is established for the purpose of developing recommendations to advance digital connectivity in Washington state and advising the statewide broadband office on the digital equity opportunity program as provided under RCW 43.330.412 and the digital equity planning grant program as provided under section 305 of this act.

(2) In developing its recommendations to advance digital connectivity, the forum must:

(a) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(b) Strengthen public-private partnerships;

(c) Solicit public input through public hearings or informational sessions;

(d) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(e) Recommend reforms to current universal service mechanisms.

(3) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the digital equity forum and no appointment may be made unless each director concurs in the appointment. In making appointments, the directors must prioritize appointees representing:

(a) Federally recognized tribes;

(b) State agencies involved in digital equity; and

(c) Underserved and unserved communities, including historically disadvantaged communities.

(4) A majority of the participating members appointed by the directors must appoint an administrative chair for the forum.

(5) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(a) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(b) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(6)(a) Funds appropriated to the forum may be used to compensate, for any work done in connection with the forum, additional persons who have lived experience navigating barriers to digital connectivity and digital equity.

(b) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(7) Staff for the digital equity forum must be provided by the governor's statewide broadband office and the Washington state office of equity. The governor's statewide broadband office and the Washington state office of equity are jointly responsible for transmitting the recommendations of the digital equity forum to

the legislature, consistent with RCW 43.01.036, by October 28, 2025, and every odd-numbered year thereafter.

#### PART 4

##### DIGITAL EQUITY ACCOUNT

**NEW SECTION. Sec. 401.** A new section is added to chapter 80.36 RCW to read as follows:

(1) The digital equity account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Any amounts appropriated by the legislature to the account, private contributions, or any other source directed to the account, must be deposited into the account. Funds from sources outside the state, from private contributions, federal or other sources may be directed to the specific purposes of the digital equity opportunity program or digital equity planning grant program.

(3) The legislature may appropriate moneys in the account only for the purposes of:

(a) RCW 43.330.412, the digital equity opportunity program; and

(b) Section 305 of this act, the digital equity planning grant program.

#### PART 5

##### MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 501.** The director of the department of commerce or the director's designee, and the director of the statewide broadband office or the director's designee, may take any actions necessary to ensure that the provisions of this act are implemented on the date identified in section 502 of this act.

**NEW SECTION. Sec. 502.** Sections 101, 102, 301 through 305, and 401 of this act take effect July 1, 2023.

**NEW SECTION. Sec. 503.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 504.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "training;" strike the remainder of the title and insert "amending RCW 43.330.530, 43.330.532, 43.330.534, and 43.330.412; adding new sections to chapter 43.330 RCW; adding a new section to chapter 80.36 RCW; creating new sections; and providing an effective date."

#### MOTION

Senator Hasegawa moved that the following amendment no. 1467 by Senator Hasegawa be adopted:

On page 5, line 10, after "(14)" insert "\"Commissions\" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state women's commission established in chapter 43.119 RCW, and the governor's office of Indian affairs.

(15)"

ReNUMBER the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 36, after "office" insert ", in consultation with the commissions."

On page 8, line 3, after "equity" insert "and the commissions"

On page 12, line 4, after "office" insert ", the commissions,"

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

## ROLL CALL

Senator Hasegawa spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1467 by Senator Hasegawa on page 5, line 10 to the committee striking amendment.

The motion by Senator Hasegawa did not carry and amendment no. 1467 was not adopted by voice vote.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, amendment no. 1473 by Senator Short on page 7, line 4 to the committee striking amendment was withdrawn.

## MOTION

Senator Short moved that the following amendment no. 1469 by Senator Short be adopted:

On page 12, beginning on line 36, after "28," strike all material through "thereafter" on line 37 and insert "2023"

On page 12, after line 37, insert the following:

"(8) This section expires December 1, 2023."

On page 14, line 5, after "sections;" strike "and providing an effective date" and insert "providing an effective date; and providing an expiration date"

Senators Short and Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1469 by Senator Short on page 12, line 36 to the committee striking amendment.

The motion by Senator Short did not carry and amendment no. 1469 was not adopted by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1723.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Randall, Senator Nguyen was excused.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute House Bill No. 1723 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hasegawa spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1723 as amended by the Senate.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Nguyen and Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Pedersen and without objection, senators were limited to speaking but once and for no more than two minutes on each question under debate for the remainder of the day by voice vote.

## SECOND READING

HOUSE BILL NO. 2007, by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet

Establishing a nurse educator loan repayment program under the Washington health corps.

The measure was read the second time.

## MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 2007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Fortunato spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2007.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2007 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau,

Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Nguyen and Robinson

HOUSE BILL NO. 2007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2078, by House Committee on Appropriations (originally sponsored by Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet)

Establishing the outdoor school for all program. Revised for 2nd Substitute: Establishing the outdoor learning grant program.

The measure was read the second time.

## MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that time outdoors helps children thrive physically, emotionally, and academically, yet over the past few generations, childhood has moved indoors. On average, today's kids spend up to 44 hours per week in front of a screen, and less than 10 minutes a day doing activities outdoors. For too many kids, access to the outdoors is determined by race, income, ability, and zip code. All children deserve equitable access to outdoor spaces where they can learn, play, and grow, but current access to outdoor educational opportunities is inequitable.

(2) From stress reduction to improved focus and engagement, and better academic performance, outdoor-based learning helps kids thrive. Research shows participants in outdoor educational activities have higher graduation rates, improved behavior in school and relationships with peers, higher academic achievement, critical thinking skills, direct experience of scientific concepts in the field, leadership and collaboration skills, and a deeper engagement with learning, place, and community. Outdoor educational programs also offer new opportunities for work-integrated learning in science, natural resources, education, land management, agriculture, outdoor recreation, and other employment sectors. Outdoor-based learning activities can also be a key element in the larger system of regular outdoor instructional time and outdoor experiences that includes STEM fields, after-school programs, summer camps, 4-H, scouting, and related programs which can spark a lifelong appreciation for the natural world.

(3) The legislature further finds that accessibility is a major obstacle to universal outdoor education. Most sites lack accommodation for children with disabilities and support staff for children who need social and emotional support. In addition, some youth may experience cultural barriers to outdoor learning experiences.

(4) Therefore, the legislature intends to establish a statewide grant program and corresponding outdoor education experiences program to address these needs and to ensure that all students have a chance to benefit from outdoor education.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, or within funding made available, the outdoor learning grant program is established. The purpose of the grant program is to develop and support educational experiences for students in Washington public schools.

(2) The office of the superintendent of public instruction shall administer the grant program in accordance with this section.

(3) Within existing resources, the Washington state parks and recreation commission, the department of natural resources, the Washington department of fish and wildlife, the Washington department of agriculture, and the Washington conservation commission may partner with the office of the superintendent of public instruction to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

(4) Beginning in the 2022-23 school year, the office of the superintendent of public instruction shall award grants to eligible school districts, federally recognized tribes, and outdoor education program providers. The office may consult with the Washington recreation and conservation office in awarding grants under this section.

(5)(a) The grant program must consist of two types of grants, including:

(i) Allocation-based grants for school districts to develop or support educational experiences; and

(ii) Competitive grants for federally recognized tribes and outdoor education providers to support existing capacity and to increase future capacity for outdoor learning experiences.

(b) In implementing student educational experiences under this section, school districts and outdoor education providers should ensure equitable access for students in all geographic regions, and high levels of accessibility for students with disabilities.

(6) Beginning in 2024, the office of the superintendent of public instruction, in accordance with RCW 43.01.036, must submit an annual report to the appropriate committees of the legislature with an evaluation of the program established by this section. The report may include information on other outdoor education and instructional time efforts and how they compare with programs funded through the outdoor learning grant program.

(7) For the purposes of this section, "school districts" includes state-tribal education compact schools established under chapter 28A.715 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the outdoor education experiences program is established as a program within the outdoor learning grant program established in section 2 of this act. The purpose of the outdoor education experiences program is to develop and support outdoor learning opportunities for 5th and 6th grade students in Washington public schools, with related opportunities for high school students to volunteer as counselors. The program will consist of hands-on learning experiences that: Are three to five days in duration and up to four nights; are overnight or consecutive day programs when overnight programs are impractical due to health or cultural considerations; and have a focus on environmental education aligned with the Washington state learning standards and the development of social and emotional learning skills.

(2) The office of the superintendent of public instruction may work with a statewide nonprofit organization representing school principals to create guidelines for the program established by this section.

FIFTY FOURTH DAY, MARCH 4, 2022

(3) In implementing the program established by this section, the priority focus of the office of the superintendent of public instruction must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, federally recognized tribes, including state-tribal education compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments, students of color, English language learner students, and students receiving special education services.

**Sec. 4.** RCW 28A.300.790 and 2018 c 266 s 410 are each amended to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in RCW 28A.320.173 to consider student participation in seasonal or nonseasonal outdoor-based activities, including programs established in accordance with section 2 of this act, and the outdoor education experiences program established in section 3 of this act, as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section."

#### MOTION

Senator Hunt moved that the following amendment no. 1464 by Senator Hunt be adopted:

On page 3, line 22, after "or" strike "consecutive"

On page 3, line 23, after "health" strike "or cultural" and insert ", cultural, or capacity"

Senator Hunt spoke in favor of adoption of the amendment to the committee striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 1464 by Senator Hunt on page 3, line 22 to the committee striking amendment.

The motion by Senator Hunt carried and amendment no. 1464 was adopted by voice vote.

Senators Van De Wege and Wellman spoke in favor of adoption of the committee striking amendment as amended.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 2078.

The motion by Senator Van De Wege carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Second Substitute House Bill No. 2078 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Wilson, L., Wellman, Hawkins and Rivers spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2078 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2078 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden and Schoesler

Excused: Senators Nguyen and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 2078 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1859, by Representatives Kloba, Chambers, Wylie and Wicks

Concerning quality standards for laboratories conducting cannabis analysis.

The measure was read the second time.

#### MOTIONS

Senator Keiser moved that the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be not adopted.

Senator Keiser moved that the floor striking amendment be adopted.

#### REMARKS BY THE VICE PRESIDENT PRO TEMPORE

Senator Lovick: "Senator Keiser, we have an amendment to the floor striking amendment but no striker."

#### PARLIAMENTARY INQUIRY

Senator Keiser: "May I move adoption of the floor amendment?"

#### MOTION

On motion of Senator Pedersen and without objection, further consideration of House Bill No. 1859 was deferred, and the bill held its place on the second reading calendar.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037, by House Committee on Public Safety (originally sponsored by Goodman and Sutherland)

Modifying the standard for use of force by peace officers.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In 2021, the legislature passed Engrossed Second Substitute House Bill No. 1310, codified as chapter 10.120 RCW, with the goal of establishing a uniform statewide standard for use of force by peace officers. Since these provisions were enacted, the complexities and nuances of police practices and applicable laws, both in statute and common law, have posed implementation challenges for some police agencies. For that reason, the legislature hereby intends to provide clarification and guidance to police agencies and the public with the passage of chapter . . . (House Bill No. 1735), Laws of 2022, focusing on behavioral health and other related issues, and the additional changes in this legislation, focusing on enforcement practices as well as clarifying definitions.

(2) The legislature did not enact RCW 10.120.020 with the purpose of preventing or prohibiting peace officers from protecting citizens from danger. To the contrary, the legislature recognizes the importance of enforcing criminal laws and providing safety for all. Therefore, the legislature intends to provide clear authority for peace officers to use physical force to prevent persons from fleeing lawful temporary investigative detentions, also known as *Terry* stops, and to take persons into custody when authorized or directed by state law. Yet this authority is not without limits. Peace officers must exercise reasonable care when determining whether to use physical force and when using any physical force against another person. Peace officers must, when possible and appropriate, use de-escalation tactics before using physical force. Peace officers may only use force to the extent necessary and reasonable under the totality of the circumstances. This high standard of safety reflects national best practices developed and supported by police leaders across the nation. Most importantly, it strikes the appropriate balance between two important interests: The safety of the public and the peace officers who serve to protect us, and the right of the people to be secure in their persons against unreasonable searches and seizures.

Sec. 2. RCW 10.120.010 and 2021 c 324 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Deadly force" has the same meaning as provided in RCW 9A.16.010.

(2) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

((2)) (3) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

((3)) (4) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose

intended or to protect against the threat posed to the officer or others.

(5) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

(6) "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

(7) "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

Sec. 3. RCW 10.120.020 and 2021 c 324 s 3 are each amended to read as follows:

(1)((a)) PHYSICAL FORCE. Except as otherwise provided under this section, a peace officer may use physical force against a person ((when)) to the extent necessary to:

(a) Protect against ((criminal conduct where there is probable cause to make an arrest; effect)) a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;

(b) Effect an arrest; ((prevent))

(c) Prevent an escape as defined under chapter 9A.76 RCW; ((or protect))

(d) Prevent a person from intentionally fleeing or stop a person who is intentionally and actively fleeing a lawful temporary investigative detention for a criminal offense, provided that the person has been given notice that he or she is being detained and is not free to leave;

(e) Take a person into custody when authorized or directed by statute; or

(f) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

((b) A) (2) DEADLY FORCE. Except as otherwise provided under this section, a peace officer may use deadly force against another person only when necessary to protect against an ((imminent)) immediate threat of serious physical injury or death to the officer or another person. For purposes of this subsection ((1)(b)):

((i) "Imminent) "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

((ii) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.

((iii) "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

(2)) (3) REASONABLE CARE. A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(a) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed;

(b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;

(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use available and appropriate less lethal alternatives before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for their use.

~~((3))~~ (4) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

~~((4))~~ (5) Nothing in this section (~~prevents~~):

(a) Permits a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution; or

(b) Prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 13 of the title, after "circumstances;" strike the remainder of the title and insert "amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency."

The Vice President Pro Tempore declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 2037.

The motion by Senator Dhingra carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 2037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke on passage of the bill.

Senator Padden spoke in favor of passage of the bill.

Senator Frockt spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2037 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, Keiser, King, Lovick, McCune, Mullet, Muzzall, Padden, Randall, Rivers, Rolfes, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Das, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President of the Senate assumed the chair, Lt. Governor Heck presiding.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1173, by House Committee on Capital Budget (originally sponsored by Berry, Frame, Dolan and Lekanoff)

Concerning state lands development authorities.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) State lands development authorities are hereby authorized to oversee and manage the development or redevelopment of state-owned property that is within or adjacent to manufacturing industrial centers. Any property owned or managed by the department of natural resources is exempt from the provisions of this chapter.

(2) The legislative delegation from a district containing state-owned land that is included within, or is adjacent to, a manufacturing industrial center may propose the formation of a state lands development authority. The proposal must be presented in writing to the relevant legislative committees in both the house of representatives and the senate. The proposal must contain:

(a) The proposed general geographic boundaries of the state lands development authority; and

(b) Legislative findings relating to formation of the state lands development authority which find that:

(i) The state owns property within the boundaries of the proposed state lands development authority;

(ii) The state-owned land is located within or adjacent to a manufacturing industrial center;

(iii) The state agency with custodial responsibility for the property has completed an assessment regarding the current use, future use, and a projected date or conditions when the land is vacant, excess, or surplus to the mission of the state agency;

(iv) The legislature intends that the state lands development authority be appropriately funded and staffed; and

(v) The formation of a state lands development authority to oversee and manage the development or redevelopment of the state-owned land will be useful and beneficial to the community within and adjacent to the boundaries of the state lands development authority.

(3) Formation of a state lands development authority is subject to legislative authorization by statute.

(4) A state lands development authority may only be formed in a county with a population of 2,000,000 or greater.

(5) For the purposes of this chapter, all state lands development authorities are a public body corporate and politic and instrumentality of the state of Washington.

**NEW SECTION. Sec. 2.** (1) The affairs of a state lands development authority shall be managed by a board of directors.

(2) The initial board of directors of a state lands development authority must be appointed by the governor upon recommendation from the state legislative delegation from the district in which the boundaries of the state lands development authority are contained.

(3) The number of persons on the board of directors must be included in the proposal to establish a state lands development authority under section 1 of this act.

(4) Members of the board of directors must include:

(a) At least one member representing each of the following:

(i) The governing body of each city included in the boundaries of the state lands development authority;

(ii) The mayor's office of each city included in the boundaries of the state lands development authority;

(iii) The governing body of each county included in the boundaries of the state lands development authority; and

(iv) The governing body of each port district included in the boundaries of the state lands development authority;

(b) Additional members if required by the proposal to establish a state lands development authority under section 1 of this act; and

(c) Ex officio, nonvoting members if required by the proposal to establish a state lands development authority under section 1 of this act.

(5) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no state lands development authority board member, appointed or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board shall void the transaction, and the involved member shall be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

**NEW SECTION. Sec. 3.** (1) State lands development authorities have the power to:

(a) Accept gifts, grants, loans, or other aid from public and private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement its purposes and duties;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, and lease real and personal property;

(e) Sell real and personal property, subject to any rules and restrictions contained in the proposal to establish a state lands development authority under section 1 of this act;

(f) Hold in trust, improve, and develop land;

(g) Invest, deposit, and reinvest its funds;

(h) Incur debt in furtherance of its mission: Provided, however, that state lands development authorities are expressly prohibited from incurring debt on behalf of the state of Washington as defined in Article VIII, section 1 of the state Constitution. A state lands development authority obligation to repay borrowed money does not constitute an obligation, either general, special, or moral, of the state of Washington. State lands development authorities are expressly prohibited from using, either directly or indirectly, "general state revenues" as defined in Article VIII, section 1 of the state Constitution to satisfy any state lands development authority obligation to repay borrowed money;

(i) Lend or grant its funds for any lawful purposes. For purposes of this section, "lawful purposes" includes without limitation, any use of funds, including loans thereof to public or private parties, authorized by agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under federal laws and regulations pertinent to such agreements; and

(j) Exercise such additional powers as may be authorized by law.

(2) A state lands development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and RCW 42.17A.550; and

(b) May not use such funds to support or oppose a candidate, ballot proposition, political party, or political committee.

(3) State lands development authorities do not have any authority to levy taxes or assessments.

**NEW SECTION. Sec. 4.** A state lands development authority has the duty to:

(1) Adopt bylaws for the authority that will govern how the authority will generally conduct its affairs;

(2) Establish specific geographic boundaries for the authority with its bylaws based on the general geographic boundaries established in the proposal approved by the legislature;

(3) Assume responsibility for the development or redevelopment of the state-owned property within the boundaries of the authority;

(4) Create a strategic plan for the development or redevelopment of the state-owned property that includes, but is not limited to, the following elements:

(a) An examination of the existing uses of the property and an assessment of whether such should change in the future in order for the use of the property to achieve maximum public benefit;

(b) An examination of options for development or redevelopment that include industrial uses only, mixed-use commercial and residential development, and mixed-use light industrial and residential development, as well as the incorporation of community-oriented facilities, and an evaluation of which options would achieve maximum public benefit;

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(c) A plan for extensive public engagement throughout the development or redevelopment process, which must include a regular schedule of public meetings and opportunities for public comment; and

(d) A financial plan for the authority that identifies funding sources necessary to carry out the authority's strategic plan;

(5) Use gifts, grants, loans, and other aid from public or private entities to further the development and redevelopment projects identified in the authority's strategic plan; and

(6) Submit a written report to the relevant committees of the legislature by December 1st of each even-numbered year that summarizes the authority's strategic plan and details the progress of the authority in meeting its strategic goals related to development and redevelopment, public engagement, and financial planning.

**NEW SECTION. Sec. 5.** The state lands development authority operating account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for operating expenses under this chapter.

**NEW SECTION. Sec. 6.** The state lands development authority capital account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital projects under this chapter.

**NEW SECTION. Sec. 7.** (1) The legislature finds:

(a) The state of Washington owns a property of approximately 25 acres in size located at 1601 West Armory Way within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood, known as the Interbay property. The Interbay property was transferred to the state of Washington in 1971 with deed limitations which limit use of the property for national guard purposes only. The national guard currently uses the Interbay property for the Seattle readiness center, built in 1974. The national guard has determined that it must relocate from the Interbay property to another site, and an assessment has been completed pursuant to section 1(2)(b) of this act. Once the national guard facilities are funded and constructed and the national guard is relocated in a new, fully operational readiness center, and the department of defense has released its use restrictions on the property, the Interbay property will be available for redevelopment.

(b) The formation of a state lands development authority to oversee and manage the redevelopment of the Interbay property will be useful and beneficial to the community within and adjacent to the Interbay neighborhood in the city of Seattle. The legislature intends that the authority be appropriately funded and staffed.

(2)(a) The legislature authorizes the establishment of the Ballard-Interbay state lands development authority, which boundaries are coextensive with the boundaries of the Interbay property.

(b) The Ballard-Interbay state lands development authority is a public body corporate and politic and instrumentality of the state of Washington.

(3) The Ballard-Interbay state lands development authority may exercise its authority in furtherance of projects that are located only within the boundaries of the Interbay property.

(4) The Ballard-Interbay state lands development authority does not have site control or access until after the national guard relocation and may not sell the Interbay property or portions of the Interbay property to another entity.

(5) The affairs of the Ballard-Interbay state lands development authority shall be managed by a board of directors, consisting of the following members:

(a) One member with experience developing workforce or affordable housing;

(b) One member with knowledge of project financing options for public-private partnerships related to housing;

(c) Two members with architectural design and development experience related to industrial and mixed-use zoning;

(d) One member representing the port of Seattle;

(e) One member representing the governor's office;

(f) One member representing the King county council;

(g) One member representing the city of Seattle mayor's office;

(h) One member representing the Seattle city council; and

(i) The director of the department of commerce or the director's designee as an ex officio, nonvoting member.

(6) No member of the board of directors may hold office for more than four years. Board positions must be numbered one through 11 and the terms staggered as follows:

(a) Board members appointed to positions one through five shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(b) Board members initially appointed to positions six through 11 shall serve a three-year term only.

(c) Board members appointed to positions six through 11 after the initial three-year term shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(7) The initial board of directors of the Ballard-Interbay state lands development authority must be appointed by the governor upon recommendation from the legislative delegation from the district in which the boundaries of the authority are contained, as required by section 2(2) of this act. With respect to the appointment of subsequent boards of directors, the existing board members must develop a list of candidates for each position and deliver the recommendations to the members of the legislative delegation for the district in which the authority is located. The legislative delegation must present the list of candidates for recommendation to the governor for appointment to the board of directors. In developing the list of candidates, the board of directors must consider racial, gender, and geographic diversity so that the board may reflect the diversity of the community.

(8) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no Ballard-Interbay state lands development authority board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board shall void the transaction, and the involved member must be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

(9) For purposes of this section, "Interbay property" means a state-owned property with deed limitations indicating it may be used for national guard purposes only located at 1601 West Armory Way, consisting of approximately 25 acres of land within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood.

**NEW SECTION. Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1173.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Second Substitute House Bill No. 1173 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Dozier, Frockt, and Braun spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Nguyen was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1173 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1173 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senators Nguyen and Robinson

SECOND SUBSTITUTE HOUSE BILL NO. 1173 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629, by House Committee on Community & Economic Development (originally sponsored by Dolan, Wylie, Shewmake, Duerr, Walen and Chase)

Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1629.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1629 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, McCune, Muzzall, Padden, Schoesler, Sefzik, Sheldon and Wagoner

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1967, by House Committee on Appropriations (originally sponsored by Steele, Riccelli, Berry, Lekanoff, Santos and Duerr)

Concerning property tax exemptions for nonprofits.

The measure was read the second time.

#### MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Business, Financial Services & Trade be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.020 and 2014 c 99 s 3 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(2)(a) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or must be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted must in any case include all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred

FIFTY FOURTH DAY, MARCH 4, 2022

twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. Except as otherwise provided in this subsection, to be exempt the property must be wholly used for church purposes.

(b) If the rental income or donations, if applicable, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, the exemption provided by this subsection (2) is not nullified by:

(i) The loan or rental of property otherwise exempt under this subsection (2) to a nonprofit organization, association, or corporation, or school to conduct an eleemosynary activity or activities related to a farmers market. However, activities related to a farmers market may not occur on the property more than 53 days each assessment year. For the purposes of this section, "farmers market" has the same meaning as "qualifying farmers market" as defined in RCW 66.24.170;

(ii) The rental or use of the property by any individual, group, or entity, where such rental or use is not otherwise authorized by this subsection (2), for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations provided in this subsection (2)(b)(ii) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (2)(b)(ii); or

(iii) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

**Sec. 2.** RCW 84.36.037 and 2014 c 99 s 8 are each amended to read as follows:

(1) Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre. When property for which exemption is sought is essentially unimproved except for restroom facilities and structures and this property has been used primarily for annual community celebration events for at least ten years, the exempt property shall not exceed twenty-nine acres.

(2) To qualify for this exemption the property must be used exclusively for public gatherings and must be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

(3) The use of the property for pecuniary gain or for business activities, except as provided in this section and RCW 84.36.805, nullifies the exemption otherwise available for the property for the assessment year. If all income received from rental or use of the exempt property is used for capital improvements to the exempt property, maintenance and operation of the exempt property, or exempt purposes, the exemption is not nullified as provided by RCW 84.36.805 or by ~~((the))~~;

(a) The use of the property to conduct a qualifying farmers market, as defined in RCW 66.24.170, for not more than 53 days

each assessment year, if the rental income or donations, if any, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; or

(b) The use of the property, in a county with a population of less than twenty thousand, to promote the following business activities, if the rental income or donations, if any, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented: Dance lessons, art classes, or music lessons.

(4) The department of revenue must narrowly construe this exemption.

**NEW SECTION. Sec. 3.** This act applies both retroactively and prospectively to taxes levied for collection in 2021 and thereafter.

**NEW SECTION. Sec. 4.** RCW 82.32.805 and 82.32.808 do not apply to this act."

On page 1, line 1 of the title, after "nonprofits;" strike the remainder of the title and insert "amending RCW 84.36.020 and 84.36.037; and creating new sections."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Business, Financial Services & Trade to Substitute House Bill No. 1967.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1967 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1967 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1967 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1967 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 1859 which had been deferred earlier in the day.

#### SECOND READING

HOUSE BILL NO. 1859, by Representatives Kloba, Chambers, Wylie and Wicks

Concerning quality standards for laboratories conducting cannabis analysis.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The purpose of this act is to create an interagency coordination team responsible for the program that establishes and maintains quality standards for laboratories conducting analysis of recreational and medicinal cannabis with THC levels greater than 0.3 percent. The interagency team includes the department of agriculture, the liquor and cannabis board, and the department of health. The standards must be adopted by rule by the department of agriculture, and changes to standards may require reference in liquor and cannabis board and department of health rules. This authority to establish these rules transfers from the liquor and cannabis board to the department of agriculture. This act implements the recommendations of the cannabis science task force established in RCW 43.21A.735.

According to the task force's recommendations: "Laboratory quality standards are the elements used in the evaluation of a product's compliance with established product standards. They consist of approved methods, method validation protocols, and performance measures and criteria applied to the testing of the product. Establishing appropriate and well-defined laboratory quality standards is essential to communicate to the testing laboratories what standardized practices and procedures are appropriate.

Laboratory quality standards help ensure the data that laboratories generate are credible and can be used to provide consumer protections. They should represent sound scientific protocols, and detail practical and specific guidance for the testing subject matter. Together, well-established product standards, laboratory quality standards, and accreditation standards should function to garner confidence for consumers and the industry they support."

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cannabis lab" means a laboratory that tests cannabis for compliance with product standards established by rule by the state liquor and cannabis board.

(2) "Team" means the interagency coordination team for cannabis laboratory quality standards created in this chapter.

NEW SECTION. **Sec. 3.** (1) The interagency coordination team for cannabis laboratory quality standards is created. The team consists of the department, the liquor and cannabis board, and the department of health. The department is designated lead agency for the team and must provide the team with all necessary administrative support.

(2) The agencies that make up the team must each dedicate administrative, policy, scientific, or other staff necessary to successfully accomplish the duties assigned to the team.

(3) The team must:

(a) Coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to marijuana testing laboratory quality standards; and

(b) Advise the department on implementation and maintenance of marijuana testing laboratory quality standards topics including, but not limited to, analytical methods, validation protocols, quality assurance and quality control practices, project planning and sampling guides, and other topics as necessary to fulfill the purposes of the team and this act. In making its recommendations, the team must take into account the cannabis science task force recommendations.

NEW SECTION. **Sec. 4.** (1) The department must establish and maintain marijuana testing laboratory quality standards by rule in accordance with chapter 34.05 RCW.

(2) Marijuana testing laboratory quality standards must include, but are not limited to, approved methods for testing marijuana for compliance with product standards established by rule by the state liquor and cannabis board or the department of health, method validation protocol, and performance measures and criteria applied to testing of marijuana products.

(3) The department must take into account the recommendations of the team created in section 3 of this act.

(4) Standards created under this chapter must be provided to the state department of ecology for use in the lab accreditation process described in RCW 69.50.348.

**Sec. 5.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory ~~((meeting the accreditation requirements established by the state liquor and cannabis board, for inspection and testing)).~~ The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of marijuana product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing marijuana product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under subsection (1) of this section to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the state liquor and cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((4))~~ (5) The state liquor and cannabis board may adopt rules necessary to implement this section. The state liquor and cannabis board may adopt rules necessary to implement subsection (2) of this section until a successor state agency or agencies assume responsibility for establishing and administering laboratory standards and accreditation.

**Sec. 6.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must

FIFTY FOURTH DAY, MARCH 4, 2022

submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of ecology (~~for inspection and testing~~). The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of marijuana product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing marijuana product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the state liquor and cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((4))~~ (5)(a) The department of ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a state marijuana product testing laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

- (i) Evaluating the protocols and procedures used by a laboratory;
- (ii) Performing on-site audits;
- (iii) Evaluating participation and successful completion of proficiency testing;
- (iv) Determining the capability of a laboratory to produce accurate and reliable test results; and
- (v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account created in RCW 69.50.530.

~~((5))~~ (6) The department of ecology and the ~~((liquor and cannabis board))~~ interagency coordination team created in section 3 of this act must act cooperatively to ensure effective implementation and administration of this section.

~~((6))~~ (7) All fees collected under this section must be deposited in the dedicated marijuana account created in RCW 69.50.530.

NEW SECTION. Sec. 7. Section 5 of this act expires July 1, 2024.

NEW SECTION. Sec. 8. Section 6 of this act takes effect July 1, 2024.

NEW SECTION. Sec. 9. Sections 2 through 4 of this act constitute a new chapter in Title 15 RCW."

On page 1, line 2 of the title, after "analysis;" strike the remainder of the title and insert "amending RCW 69.50.348 and 69.50.348; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date."

## MOTION

Senator Keiser moved that the following amendment no. 1465 by Senator Keiser be adopted:

On page 2, line 19, after "relate to" strike "marijuana" and insert "cannabis"

On page 2, at the beginning of line 22, strike "marijuana" and insert "cannabis"

On page 2, line 30, after "maintain" strike "marijuana" and insert "cannabis"

On page 2, line 32, after "(2)" strike "Marijuana" and insert "Cannabis"

On page 2, line 33, after "testing" strike "marijuana" and insert "cannabis"

On page 2, line 37, after "of" strike "marijuana" and insert "cannabis"

On page 3, line 18, after "of" strike "marijuana" and insert "cannabis"

On page 3, at the beginning of line 25, strike "marijuana" and insert "cannabis"

On page 4, line 15, after "of" strike "marijuana" and insert "cannabis"

On page 4, at the beginning of line 22, strike "marijuana" and insert "cannabis"

Senators Keiser and King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1465 by Senator Keiser on page 2, line 19 to the committee striking amendment.

The motion by Senator Keiser carried and amendment no. 1465 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs as amended to House Bill No. 1859.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1859 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1859 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1859 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and McCune  
Excused: Senator Robinson

HOUSE BILL NO. 1859 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, by House Committee on Health Care & Wellness (originally sponsored by Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter and Tharinger)

Exempting biomarker testing from prior authorization for patients with late stage cancer.

The measure was read the second time.

## MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Health plans issued or renewed on or after January 1, 2023, shall exempt an enrollee from prior authorization requirements for coverage of biomarker testing for either of the following:

- (a) Stage 3 or 4 cancer; or
- (b) Recurrent, relapsed, refractory, or metastatic cancer.

(2) For purposes of this section, "biomarker test" means a single or multigene diagnostic test of the cancer patient's biospecimen, such as tissue, blood, or other bodily fluids, for DNA, RNA, or protein alterations, including phenotypic characteristics of a malignancy, to identify an individual with a subtype of cancer, in order to guide patient treatment.

(3) For purposes of this section, biomarker testing must be:

- (a) Recommended in the latest version of nationally recognized guidelines or biomarker compendia, such as those published by the national comprehensive cancer network;
- (b) Approved by the United States food and drug administration or a validated clinical laboratory test performed in a clinical laboratory certified under the clinical laboratory improvement amendments or in an alternative laboratory program approved by the centers for medicare and medicaid services;
- (c) A covered service; and
- (d) Prescribed by an in-network provider.

(4) This section does not limit, prohibit, or modify an enrollee's rights to biomarker testing as part of an approved clinical trial under chapter 69.77 RCW.

(5) Nothing in this section may be construed to mandate coverage of a health care service.

(6) Nothing in this section prohibits a health plan from requiring a biomarker test prior to approving a drug or treatment.

(7) This section does not limit an enrollee's rights to access individual gene tests."

On page 1, line 2 of the title, after "cancer;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

Senator Cleveland spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 1689.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1689 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Mullet and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1689 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1689 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1700, by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks, Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax.

The measure was read the second time.

## MOTION

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 1700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Muzzall and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1700.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1700 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Honeyford and Schoesler  
Excused: Senator Robinson

HOUSE BILL NO. 1700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1765, by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1765.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1765 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford,

Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1790, by House Committee on Transportation (originally sponsored by Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli)

Addressing the creation, display, and material durability of temporary license plates.

The measure was read the second time.

MOTION

On motion of Senator Lias, the rules were suspended, Substitute House Bill No. 1790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1790.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1790 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler  
Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1902, by House Committee on Labor & Workplace Standards (originally sponsored by Schmick and Pollet)

Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended to read as follows:

(1)(a) If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor. Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to ~~((sixty))~~ 60 days prior to the receipt of such application, except as provided in (b) of this subsection.

(b) Compensation and other benefits under (a) of this subsection shall be allowed for periods of time beyond 60 days, up to and including the time period covering the change of circumstances warranting an increase or rearrangement of compensation or other benefits, subject to a maximum of 120 days prior to the receipt of the application, where:

(i) The application was not received by the department or self-insurer within 60 days of the provision of medical services made necessary by the change in circumstances, due to a failure of the treating provider to timely complete or submit the provider information section of the application; and

(ii) The worker demonstrates that the worker information section of the application was completed and submitted via certified mail or electronic verification of receipt to the department, self-insurer, or the treating provider within 30 days of the provision of medical services made necessary by the change in circumstances.

(2) Any forms provided by the department or self-insurer as the application to reopen a claim under subsection (1)(a) of this section, must:

(a) Encourage the worker to submit the form to the treating provider within 30 days of the provision of any medical services made necessary by the change in circumstances; and

(b) Provide notice to both the worker and the medical provider that the application must be received by the department or self-insurer within 60 days of the provision of any medical services made necessary by the change in circumstances."

On page 1, line 3 of the title, after "manner;" strike the remainder of the title and insert "and amending RCW 51.28.040."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to Substitute House Bill No. 1902.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1902 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1902 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1902 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1902 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1931, by Representative Fey

Sustaining hydropower license fees.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed House Bill No. 1931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1931.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1931 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED HOUSE BILL NO. 1931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Maeri)

Concerning rights and obligations of transportation network company drivers and transportation network companies.

The measure was read the second time.

#### MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I

#### COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Director" means the director of the department of labor and industries.

(f) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(g) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(h) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(i) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency, board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(i) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(j) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that enables the prearrangement of passenger trips for compensation.

(k) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded, excessively influenced, or controlled by a transportation network company.

(l) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(m) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(n) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(o) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(p) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(q) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(r) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(s) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(t) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(u) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(v) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a loan or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this section. The notice of rights shall provide information on:

(i) The right to the applicable per minute rate and per mile rate or per trip rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate or per trip rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

- (a) The total amount of passenger platform time;
- (b) The total mileage driven during passenger platform time;
- (c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;
- (d) Tip compensation;
- (e) Gross payment;
- (f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and
- (g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

- (a) The driver's total passenger platform time;
- (b) Total mileage driven by the driver during passenger platform time;
- (c) The driver's total tip compensation;
- (d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;
- (e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and
- (f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

- (a) The date and time of the trip;
- (b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion;
- (c) The total duration and distance of the trip;
- (d) The driver's first name;
- (e) The total fare paid, itemizing all charges and fees; and
- (f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver

resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

(a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest provided in section 4 of this act.

(15)(a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible

account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu

of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.

(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record shall not be limited to the submissions of the parties nor to the terms of the proposed agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent

FIFTY FOURTH DAY, MARCH 4, 2022

good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d)(i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act, the department shall investigate the complaint under this section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i) A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation and notice of assessment issued to the transportation network company, the fact of such payment by

the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements of section 1 of this act addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of section 1 of this act.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under subsection (12) of this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the transportation network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person,

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (16)(c).

(17)(a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be

the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful

violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the

FIFTY FOURTH DAY, MARCH 4, 2022

complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the department discovers information suggesting alleged violations by the transportation network company of the driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable rules, the transportation network company may be subject to additional enforcement actions for the violation of such

rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22)(a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

## PART II PAID SICK LEAVE

**Sec. 6.** RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health

condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

(C) A spouse;

(D) A registered domestic partner;

(E) A grandparent;

(F) A grandchild; or

(G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing

this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

**NEW SECTION. Sec. 7.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of section 1 of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

### PART III

#### INDUSTRIAL INSURANCE

**Sec. 8.** RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~((subsection (8))~~(a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

~~(14) ((A driver providing commercial transportation services as defined in RCW 48.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

**Sec. 9.** RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ~~(subsections (4) through (6) of)~~ RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and obligations of an "employer" under this title with respect to a driver, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**Sec. 10.** RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the

definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**NEW SECTION. Sec. 11.** A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual

passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

**Sec. 12.** RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~(Every)~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

NEW SECTION. **Sec. 13.** A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or

other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

#### PART IV

#### STATEWIDE REGULATORY REQUIREMENTS

NEW SECTION. **Sec. 14.** The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. **Sec. 15.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Director" means the director of the department of licensing.

(4) "Driver" has the meaning provided in section 1 of this act.

(5) "Network services" has the meaning provided in section 1 of this act.

(6) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(7) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(8) "Transportation network company" has the meaning provided in section 1 of this act.

(9) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

NEW SECTION. **Sec. 16.** (1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.

(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.

NEW SECTION. **Sec. 17.** (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

NEW SECTION. **Sec. 18.** Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

NEW SECTION. **Sec. 19.** (1) Before a passenger enters a transportation network company vehicle, the transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any

FIFTY FOURTH DAY, MARCH 4, 2022

passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

**NEW SECTION. Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

**NEW SECTION. Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

**NEW SECTION. Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

**NEW SECTION. Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

**NEW SECTION. Sec. 24.** A driver may not:

(1) Solicit or accept a trip request to provide network services other than a trip request arranged through a transportation network company's digital network;

(2) Provide network services for more than 14 consecutive hours in a 24-hour period; or

(3) Allow any other individual to use that driver's access to a transportation network company's digital network.

**NEW SECTION. Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, the use of a trained dog guide or service animal by a person with a disability, or any other protected class under RCW 49.60.010, with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, or any other protected class under RCW 49.60.010.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

**NEW SECTION. Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

**NEW SECTION. Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the transportation network company has ended.

**NEW SECTION. Sec. 28.** (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

**NEW SECTION. Sec. 29.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 30.** The department may adopt rules consistent with and as necessary to carry out this chapter.

**NEW SECTION. Sec. 31.** (1) Unless the company's policies, directives, or procedures for operation of the network, or the company's requirements of the driver, are found to be a proximate cause of an injury, a transportation network company is not vicariously liable for injury to persons or property that results or arises out of the use, operation, or possession of a motor vehicle operating as a transportation network company vehicle while the driver is logged on to the transportation network company's digital network if:

(a) There is no negligence under this chapter or criminal wrongdoing under federal or state laws on the part of the transportation network company; and

(b) The transportation network company has fulfilled all of its obligations under this chapter with respect to the driver.

(2) Nothing in this section alters or reduces the coverage or policy limits of the insurance requirements under RCW 48.177.010 (as recodified by this act).

(3) Nothing in this section alters or limits a party's rights to bring a cause of action for independent negligence on the part of the transportation network company for injury to persons or property that results or arises out of the use, operation, or possession of a motor vehicle operating as a transportation network company vehicle while the driver is logged on to the transportation network company's digital network.

**NEW SECTION. Sec. 32.** (1) A transportation network company shall not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, gender expression or gender identity, race, creed, religious belief or affiliation, color, national origin, citizenship or immigration status, families with children, honorably discharged veteran or

military status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a person with a disability, or any other protected class under RCW 49.60.010.

(2) Drivers shall have all rights and remedies available under chapter 49.60 RCW solely to enforce this section.

**NEW SECTION. Sec. 33.** (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a)(i) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation existing on or before January 1, 2022, that imposes a tax, fee, or surcharge on a transportation network company or driver remains in effect at the rate that exists on or before January 1, 2022. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(ii) Other than fees or surcharges imposed exclusively on a transportation network company or driver, this section shall not be construed to preempt any generally applicable taxes, fees, or surcharges, such as any:

- (A) Business tax;
- (B) Sales and use tax;
- (C) Excise tax; or
- (D) Property tax.

(iii) This subsection (2)(a) shall apply retroactively and shall preempt any increase in the amount of an existing tax, fee, or surcharge not preempted pursuant to this subsection (2)(a), or the imposition of any higher or new taxes, fees, or surcharges which occurs between January 2, 2022, and the effective date of this act.

(b) Notwithstanding (a) of this subsection, beginning on January 1, 2023, any local ordinance or regulation existing on or before the effective date of this section that imposed a per trip tax, fee, or surcharge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but only at the reduced rate and may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(c) Notwithstanding (a) of this subsection, any per ride fee imposed by a local ordinance exempted from preemption under subsection (3)(a) of this section, the proceeds of which are used to offset expenses of enforcing the ordinance, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This paragraph shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

**Sec. 34.** RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

~~(B) ((Underinsured motorist coverage in the amount of one million dollars; and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services,))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Personal injury protection coverage;
- (c) Underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and
- (f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage

investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

**NEW SECTION. Sec. 35.** (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

**NEW SECTION. Sec. 36.** RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 37 of this act).

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

**NEW SECTION. Sec. 37.** Sections 14 through 33 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 38.** (1) Sections 8 through 13 of this act (related to industrial insurance) take effect January 1, 2023.

(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023."

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, and 48.177.010; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; creating a new section; recodifying RCW 48.177.010; and providing effective dates."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2076.

The motion by Senator Saldaña carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Saldaña moved that the following striking amendment no. 1382 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

#### **"PART I COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER**

**NEW SECTION. Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Director" means the director of the department of labor and industries.

(f) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(g) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network

company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(h) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(i) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency, board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(i) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(j) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that enables the prearrangement of passenger trips for compensation.

(k) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded, excessively influenced, or controlled by a transportation network company.

(l) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(m) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(n) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(o) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(p) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(q) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(r) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(s) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(t) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(u) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(v) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that

trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a loan or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this section. The notice of rights shall provide information on:

FIFTY FOURTH DAY, MARCH 4, 2022

(i) The right to the applicable per minute rate and per mile rate or per trip rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate or per trip rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

(a) The total amount of passenger platform time;

(b) The total mileage driven during passenger platform time;

(c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;

(d) Tip compensation;

(e) Gross payment;

(f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

(a) The driver's total passenger platform time;

(b) Total mileage driven by the driver during passenger platform time;

(c) The driver's total tip compensation;

(d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;

(e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

(a) The date and time of the trip;

(b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and

passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion;

(c) The total duration and distance of the trip;

(d) The driver's first name;

(e) The total fare paid, itemizing all charges and fees; and

(f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

(a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first

payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest provided in section 4 of this act.

(15)(a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon

neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.

(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record

FIFTY FOURTH DAY, MARCH 4, 2022

shall not be limited to the submissions of the parties nor to the terms of the proposed agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d)(i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act, the department shall investigate the complaint under this

section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i) A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of

the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation and notice of assessment issued to the transportation network company, the fact of such payment by the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements of section 1 of this act addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of section 1 of this act.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under subsection (12) of this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the transportation network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (16)(c).

(17)(a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in

accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable

FIFTY FOURTH DAY, MARCH 4, 2022

principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the department discovers information suggesting alleged violations by the transportation network company of the

driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable rules, the transportation network company may be subject to additional enforcement actions for the violation of such rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22)(a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

## PART II PAID SICK LEAVE

**Sec. 6.** RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco

FIFTY FOURTH DAY, MARCH 4, 2022

parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

(C) A spouse;

(D) A registered domestic partner;

(E) A grandparent;

(F) A grandchild; or

(G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

**NEW SECTION. Sec. 7.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of section 1 of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that

would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

### PART III INDUSTRIAL INSURANCE

**Sec. 8.** RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~(subsection (8))~~(a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

(14) ~~((A driver providing commercial transportation services as defined in RCW 48.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

**Sec. 9.** RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ~~((subsections (4) through (6) of))~~ RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and

obligations of an "employer" under this title with respect to a driver, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**Sec. 10.** RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

**NEW SECTION. Sec. 11.** A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network

company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

**Sec. 12.** RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~(Every)~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying

premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

NEW SECTION. **Sec. 13.** A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

#### PART IV

#### STATEWIDE REGULATORY REQUIREMENTS

NEW SECTION. **Sec. 14.** The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. **Sec. 15.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Director" means the director of the department of licensing.

(4) "Driver" has the meaning provided in section 1 of this act.

(5) "Network services" has the meaning provided in section 1 of this act.

(6) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(7) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(8) "Transportation network company" has the meaning provided in section 1 of this act.

(9) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

NEW SECTION. **Sec. 16.** (1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.

(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.

NEW SECTION. **Sec. 17.** (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network

FIFTY FOURTH DAY, MARCH 4, 2022

company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

**NEW SECTION. Sec. 18.** Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

**NEW SECTION. Sec. 19.** (1) Before a passenger enters a transportation network company vehicle, the transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

**NEW SECTION. Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

**NEW SECTION. Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

**NEW SECTION. Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

**NEW SECTION. Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024; (ii) Reckless driving pursuant to RCW 46.61.500; or (iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW; (ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

**NEW SECTION. Sec. 24.** A driver may not:

(1) Solicit or accept a trip request to provide network services other than a trip request arranged through a transportation network company's digital network;

(2) Provide network services for more than 14 consecutive hours in a 24-hour period; or

(3) Allow any other individual to use that driver's access to a transportation network company's digital network.

**NEW SECTION. Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, the use of a trained dog guide or service animal by a person with a disability, or any other protected class under RCW 49.60.010,

with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, or any other protected class under RCW 49.60.010.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

**NEW SECTION. Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

**NEW SECTION. Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the transportation network company has ended.

**NEW SECTION. Sec. 28.** (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

**NEW SECTION. Sec. 29.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 30.** The department may adopt rules consistent with and as necessary to carry out this chapter.

**NEW SECTION. Sec. 31.** (1) A transportation network company shall not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, gender expression or gender identity, race, creed, religious belief or affiliation, color, national origin, citizenship or immigration status, families with children, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a person with a disability, or any other protected class under RCW 49.60.010.

(2) Drivers shall have all rights and remedies available under chapter 49.60 RCW solely to enforce this section.

**NEW SECTION. Sec. 32.** (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of

this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation, in a city with a population of more than 600,000 or a county with a population of more than 2,000,000, existing on or before January 1, 2022, that imposes a tax, fee, or other charge on a transportation network company or driver, remains in effect at the rate that exists on or before January 1, 2022. The city or county may continue to collect that tax, fee, or other charge, but may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges. This subsection (2)(a) applies retroactively and preempts any increase in the amount of an existing tax, fee, or other charge, or the imposition of any higher or new taxes, fees, or other charges, which occurs between January 2, 2022, and the effective date of this section.

(b) Beginning on January 1, 2023, any local ordinance or regulation, in a city or county described in (a) of this subsection, existing on or before the effective date of this section that imposed a per trip tax, fee, or other charge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The city or county may continue to collect that tax, fee, or other charge, but only at the reduced rate and may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges.

(c) Any per ride fee imposed by a local ordinance or regulation described in (a) of this subsection, the proceeds of which are used to offset expenses of enforcing the ordinance or regulation, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the

FIFTY FOURTH DAY, MARCH 4, 2022

effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

(5) Other than taxes, fees, or other charges imposed explicitly or exclusively on a transportation network company or driver, this section does not preempt any generally applicable taxes, fees, or other charges, such as:

- (a) Business tax;
- (b) Sales and use tax;
- (c) Excise tax; or
- (d) Property tax.

**Sec. 33.** RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

(B) ~~((Underinsured motorist coverage in the amount of one million dollars; and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services,))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as provided in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Personal injury protection coverage;
- (c) Underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and
- (f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must

retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

**NEW SECTION. Sec. 34.** (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

**NEW SECTION. Sec. 35.** RCW 48.177.010 is recodified as a section in chapter 46--- RCW (the new chapter created in section 36 of this act).

**NEW SECTION. Sec. 36.** Sections 14 through 32 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 37.** (1) Sections 8 through 13 of this act (related to industrial insurance) take effect January 1, 2023.

(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023."

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, and 48.177.010;

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; creating a new section; recodifying RCW 48.177.010; and providing effective dates."

Senators Saldaña and King spoke in favor of adoption of the striking amendment.

Senator Padden spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1382 by Senator Saldaña to Engrossed Substitute House Bill No. 2076.

The motion by Senator Saldaña carried and striking amendment no. 1382 was adopted by voice vote.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute House Bill No. 2076 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King, Keiser and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2076 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2076 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Honeyford, McCune, Padden, Schoesler, Short and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1704, by Representatives Kirby, Vick, Ryu and Dufault

Regulating service contracts and protection product guarantees.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1704.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1704 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Stanford and Trudeau

Excused: Senator Robinson

HOUSE BILL NO. 1704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2051, by House Committee on Appropriations (originally sponsored by Rule, Shewmake, Ormsby and Ramel)

Providing short-term disaster recovery financial assistance to agricultural producers.

The measure was read the second time.

#### MOTION

On motion of Senator Sefzik, the rules were suspended, Substitute House Bill No. 2051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sefzik spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2051.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2051 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 2051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, by House Committee on Appropriations (originally sponsored by Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame)

Establishing a state student loan program.

The measure was read the second time.

## MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29,400,000,000. Student loan debt outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student loans to state residents with financial need

who are pursuing undergraduate and high-demand graduate studies at a subsidized, one percent interest rate. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition.

**NEW SECTION. Sec. 2.** (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features for a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates, with one option being a one percent interest rate;

(b) The distribution of loans between graduate students and undergraduate students;

(c) The terms of the loans, including:

(i) Loan limits;

(ii) Grace periods; and

(iii) Minimum postsecondary enrollment standards;

(d) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(e) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(f) The design and administration of an appeals process.

(3) In the design of the program, the office may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The student achievement council, in consultation with the office of the treasurer and the state investment board shall include an analysis on the sustainability of the program design.

(5) The student achievement council shall provide a report on the design and implementation plan for the state student loan program to the governor and the higher education committees of the legislature by December 1, 2022, in accordance with RCW 43.01.036.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act constitute a new chapter in Title 28B RCW."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, amendment no. 1474 by Senator Wilson, L. on page 1, line 27 to the committee striking amendment to was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1736.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Second Substitute House Bill No. 1736 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

Senator Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1736 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1736 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1739, by Representatives Maycumber, Cody and Ramos

Modernizing hospital policies related to pathogens of epidemiological concern.

The measure was read the second time.

## MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1739.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, by House Committee on Transportation (originally sponsored by Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame)

Deterring catalytic converter theft.

The measure was read the second time.

## MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

**NEW SECTION. Sec. 2.** (1) The Washington State University shall convene a catalytic converter theft work group to study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

- (a) One member representing the Washington state patrol;
- (b) One member representing the Washington association of sheriffs and police chiefs;
- (c) One member representing the Washington association of prosecuting attorneys;
- (d) One member representing the office of public defense;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the association of Washington cities;

(h) One member representing the office of the attorney general;

(i) One member representing the property and casualty insurance industry;

(j) One member representing the scrap metal recycling industry;

(k) One member representing the auto dealer industry;

(l) One member representing the auto manufacturer industry;

(m) One member representing the catalytic converter manufacturer industry;

(n) One member representing the towing and recovery association of Washington;

(o) One member representing the Washington state independent auto dealers association;

(p) One member representing the Washington independent business association;

(q) One member representing the Washington organized retail crime association; and

(r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

(a) A review of state laws related to catalytic converter theft;

(b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;

(c) Data collection and analysis of catalytic converter theft incidents across the state;

(d) Options to deter and end catalytic converter theft, including marking of catalytic converters;

(e) Options and opportunities to reduce costs to victims of catalytic converter theft; and

(f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

(4) The work group's recommendations shall include, but are not limited to, the following:

(a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations, including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

**Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented

on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ~~((and))~~

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

**Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter ~~((that))~~ may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) ~~((either))~~ Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business~~(, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days))~~.

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

~~((4))~~ (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal

property, or commercial metal property in order to deceive a scrap metal business;

~~((2))~~ (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

~~((3))~~ (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

~~((4))~~ (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ~~((eighteen))~~ 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

~~((5))~~ (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

~~((6))~~ (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

~~((7))~~ (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

~~((8))~~ (h) Any scrap metal business to engage in a series of transactions valued at less than ~~((thirty dollars))~~ \$30 with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

~~((9))~~ (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

**NEW SECTION. Sec. 6.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of unlawful possession of a catalytic converter that has been removed from a vehicle if, upon contact by law enforcement, the person is unable to produce proof of ownership of the catalytic converter. Unlawful possession of a catalytic converter is a gross misdemeanor.

(2) Proof of ownership may be demonstrated by:

(a) Presenting documentation that the catalytic converter in the seller's possession is the result of the seller replacing a catalytic converter from a vehicle registered in the seller's name;

(b) Production of a unique catalytic converter serial number, or successor catalytic converter identification number program created under chapter 19.290 RCW, that corresponds to a vehicle for which the person can provide documentation of proof of ownership; or

(c) Proof that the person is an agent of a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity engaged in the scrap metal business including, but not limited to, licensed hulk hauling and processing, scrap metal dismantlers, scrap metal repair shops, and other licensed scrap metal businesses.

(3) Each catalytic converter is subject to an additional criminal penalty of \$2,000 per catalytic converter. Half of the additional criminal penalty shall be retained by the local jurisdiction; 10 percent shall be directed to the no-buy list database program in RCW 43.43.885; and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

**NEW SECTION. Sec. 7.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of attempting the unlawful sale of a catalytic converter that has been removed from a vehicle if, upon contact by law enforcement, the person is unable to produce documentation of proof of ownership of the catalytic converter for which the person is offering to sell or advertise the sale, without being an agent of a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity engaged in the scrap metal business including, but not limited to, licensed vehicle wreckers, licensed hulk hauling and processing, scrap metal dismantlers, scrap metal repair shops, and other licensed scrap metal businesses.

(2) A person is guilty of attempting the unlawful purchase of a catalytic converter that has been removed from a vehicle if the person is offering to purchase or advertising for the purchase, without maintaining a scrap metal business license under chapter 19.290 RCW or a vehicle wrecker's license under chapter 46.80 RCW.

(3) Attempted unlawful sale or purchase of a catalytic converter is a class C felony.

(4) Each catalytic converter is subject to an additional criminal penalty of \$5,000 per catalytic converter. Half of the additional criminal penalty shall be retained by the local jurisdiction; 10 percent shall be directed to the no-buy list database program in RCW 43.43.885; and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(5)(a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

**Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

(1) ~~((When funded, the))~~ The Washington association of sheriffs and police chiefs shall ((establish)) develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ((emphasis)) targeting metal theft. Grant applications shall be reviewed ((and awarded through peer review panels)) by the Washington association of sheriffs and police chiefs in consultation with the criminal justice training commission after coordination with county and city elected officials in areas with a demonstrated increase in metal theft over the previous 24 months. Grant applicants are encouraged to ((utilize multi-jurisdictional efforts)) focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

~~(b) ((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~

~~(e-Design))~~ Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ((or jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

~~(3) ((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~

~~(4))~~ Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

**Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded,))~~ the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately

FIFTY FOURTH DAY, MARCH 4, 2022

send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

NEW SECTION. Sec. 11. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2022.

NEW SECTION. Sec. 12. Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 36.28A.240, and 43.43.885; adding new sections to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 1815.

The motion by Senator Dhingra carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

NEW SECTION. Sec. 2. (1) The joint transportation committee shall convene a catalytic converter theft work group to

study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

(a) One member representing the Washington state patrol;  
(b) One member representing the Washington association of sheriffs and police chiefs;

(c) One member representing the Washington association of prosecuting attorneys;

(d) One member representing the office of public defense;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the association of Washington cities;

(h) One member representing the office of the attorney general;

(i) One member representing the property and casualty insurance industry;

(j) One member representing the scrap metal recycling industry;

(k) One member representing the auto dealer industry;

(l) One member representing the auto manufacturer industry;

(m) One member representing the catalytic converter manufacturer industry;

(n) One member representing the towing and recovery association of Washington;

(o) One member representing the Washington state independent auto dealers association;

(p) One member representing the Washington independent business association;

(q) One member representing the Washington organized retail crime association; and

(r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

(a) A review of state laws related to catalytic converter theft;

(b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;

(c) Data collection and analysis of catalytic converter theft incidents across the state;

(d) Options to deter and end catalytic converter theft, including marking of catalytic converters;

(e) Options and opportunities to reduce costs to victims of catalytic converter theft; and

(f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

(4) The work group's recommendations shall include, but are not limited to, the following:

(a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations,

including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

**Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ~~(and)~~

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

**Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece

of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter ~~((that))~~ may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) ~~((either))~~ Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business ~~((, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days)).~~

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for two years from the date of transaction, while a video recording must be available for 30 days.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

~~((1))~~ (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

~~((2))~~ (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

~~((3))~~ (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

~~((4))~~ (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ~~((eighteen))~~ 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

~~((5))~~ (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

~~((6))~~ (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

~~((7))~~ (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

~~((8))~~ (h) Any scrap metal business to engage in a series of transactions valued at less than ~~((thirty dollars))~~ \$30 with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

~~((9))~~ (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of

sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

NEW SECTION. **Sec. 6.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of unlawful possession of a catalytic converter that has been removed from a vehicle if, upon contact by law enforcement, the person is unable to produce proof of ownership of the catalytic converter. Unlawful possession of a catalytic converter is a gross misdemeanor.

(2) Proof of ownership may be demonstrated by:

(a) Presenting documentation that the catalytic converter in the seller's possession is the result of the seller replacing a catalytic converter from a vehicle registered in the seller's name;

(b) Production of a unique catalytic converter serial number, or successor catalytic converter identification number program created under chapter 19.290 RCW, that corresponds to a vehicle for which the person can provide documentation of proof of ownership; or

(c) Proof that the person is an agent of a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity engaged in the scrap metal business including, but not limited to, licensed hulk hauling and processing, scrap metal dismantlers, scrap metal repair shops, and other licensed scrap metal businesses.

(3) Each catalytic converter is subject to an additional criminal penalty of \$2,000 per catalytic converter. Half of the additional criminal penalty shall be retained by the local jurisdiction; 10 percent shall be directed to the no-buy list database program in RCW 43.43.885; and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

NEW SECTION. **Sec. 7.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of attempting the unlawful sale of a catalytic converter that has been removed from a vehicle if, upon contact by law enforcement, the person is unable to produce documentation of proof of ownership of the catalytic converter for which the person is offering to sell or advertise the sale, without being an agent of a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity engaged in the scrap metal business including, but not limited to, licensed vehicle wreckers, licensed hulk hauling and processing, scrap metal dismantlers, scrap metal repair shops, and other licensed scrap metal businesses.

(2) A person is guilty of attempting the unlawful purchase of a catalytic converter that has been removed from a vehicle if the person is offering to purchase or advertising for the purchase, without maintaining a scrap metal business license under chapter 19.290 RCW or a vehicle wrecker's license under chapter 46.80 RCW.

(3) Attempted unlawful sale or purchase of a catalytic converter is a class C felony.

(4) Each catalytic converter is subject to an additional criminal penalty of \$5,000 per catalytic converter. Half of the additional criminal penalty shall be retained by the local jurisdiction; 10 percent shall be directed to the no-buy list database program in RCW 43.43.885; and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(5)(a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is

an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

**Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

(1) ~~((When funded, the))~~ The Washington association of sheriffs and police chiefs shall ((establish)) develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ((emphasis)) targeting metal theft. Grant applications shall be reviewed ((and awarded through peer review panels)) by the Washington association of sheriffs and police chiefs in consultation with the criminal justice training commission after coordination with county and city elected officials in areas with a demonstrated increase in metal theft over the previous 24 months. Grant applicants are encouraged to ((utilize multijurisdictional efforts)) focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

(b) ~~((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~

(e) Design)) Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ((of jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

(3) ~~((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~

(4)) Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

**Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded,))~~ the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

NEW SECTION. Sec. 11. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2022.

NEW SECTION. Sec. 12. Except for section 4 of this act, is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 36.28A.240, and 43.43.885; adding new sections to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing an effective date; and declaring an emergency."

Senator Dhingra spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be not to adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1815.

The motion by Senator Dhingra carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following striking amendment no. 1389 by Senator Wilson, J. be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort

FIFTY FOURTH DAY, MARCH 4, 2022

between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

**NEW SECTION. Sec. 2.** (1) The Washington State University shall convene a catalytic converter theft work group to study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

- (a) One member representing the Washington state patrol;
- (b) One member representing the Washington association of sheriffs and police chiefs;
- (c) One member representing the Washington association of prosecuting attorneys;
- (d) One member representing the office of public defense;
- (e) One member representing the superior court judges' association;
- (f) One member representing the district and municipal court judges' association;
- (g) One member representing the association of Washington cities;
- (h) One member representing the office of the attorney general;
- (i) One member representing the property and casualty insurance industry;
- (j) One member representing the scrap metal recycling industry;
- (k) One member representing the auto dealer industry;
- (l) One member representing the auto manufacturer industry;
- (m) One member representing the catalytic converter manufacturer industry;
- (n) One member representing the towing and recovery association of Washington;
- (o) One member representing the Washington state independent auto dealers association;
- (p) One member representing the Washington independent business association;
- (q) One member representing the Washington organized retail crime association; and
- (r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

- (a) A review of state laws related to catalytic converter theft;
- (b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;
- (c) Data collection and analysis of catalytic converter theft incidents across the state;
- (d) Options to deter and end catalytic converter theft, including marking of catalytic converters;
- (e) Options and opportunities to reduce costs to victims of catalytic converter theft; and
- (f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

(4) The work group's recommendations shall include, but are not limited to, the following:

- (a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations, including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

**Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

- (a) The signature of the person with whom the transaction is made;
- (b) The time, date, location, and value of the transaction;
- (c) The name of the employee representing the scrap metal business in the transaction;
- (d) The name, street address, and telephone number of the person with whom the transaction is made;
- (e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;
- (f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;
- (g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ~~(and)~~
- (h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the

declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

**Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter ~~((that))~~ may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) ~~((either))~~ Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business(, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days).

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the

transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b)(ii) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

~~((4))~~ (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

~~((2))~~ (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

~~((3))~~ (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

~~((4))~~ (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ~~((eighteen))~~ 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

~~((5))~~ (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

~~((6))~~ (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

~~((7))~~ (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

~~((8))~~ (h) Any scrap metal business to engage in a series of transactions valued at less than ~~((thirty dollars))~~ \$30 with the

FIFTY FOURTH DAY, MARCH 4, 2022

same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

~~((9))~~ (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(3)(a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

NEW SECTION. Sec. 6. A new section is added to chapter 46.80 RCW to read as follows:

Payment to individual sellers of private metal property as defined in RCW 19.290.010 may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

Sec. 7. RCW 46.80.080 and 1999 c 278 s 2 are each amended to read as follows:

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part, including catalytic converters, acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part, including catalytic converters, other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts, including catalytic

converters, acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

Sec. 8. RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

~~((When funded))~~ To the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall ((establish)) develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ((emphasis)) targeting metal theft. Grant applications shall be reviewed ((and awarded through peer review panels)) by the Washington association of sheriffs and police chiefs in consultation with other appropriate entities, such as those involved in enforcement against metal theft. Grant applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to ((utilize multijurisdictional efforts)) focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

~~((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~

~~((Design))~~ Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ((or jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

~~((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~

~~((4))~~ Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

**Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded))~~ to the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

**NEW SECTION. Sec. 10.** RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

**NEW SECTION. Sec. 11.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2022.

**NEW SECTION. Sec. 12.** Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and 43.43.885; adding a new section to chapter 46.80 RCW; adding a new section to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing an effective date; and declaring an emergency."

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1431 by Senator Wilson, J. be adopted:

On page 8, after line 25, insert the following:

"No transaction involving catalytic converters may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed auto wrecker to a street address recorded according to RCW 46.80.080, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 46.80.080."

Senators Wilson, J., Padden, Honeyford, Sheldon and McCune spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1431 by Senator Wilson, J. on page 8, after line 25 to striking amendment no. 1389.

The motion by Senator Wilson, J. carried and amendment no. 1431 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1386 by Senator Wilson, J. be adopted:

On page 11, after line 37, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) Where neither party to a transaction involving the sale of a catalytic converter that has been removed from a vehicle maintains a scrap metal business license under chapter 19.290 RCW or a vehicle wrecker's license under chapter 46.80 RCW, the seller shall prepare and furnish to the purchaser a bill of sale. The bill of sale shall include:

(a) The date of the sale;

(b) The full name, address, and verification of the seller's identity; and

(c) The vehicle identification number from which the catalytic converter was removed.

(2) A copy of each bill of sale must be maintained on acquired catalytic converters for three years from the date of sale.

(3) A person who knowingly fails to furnish a bill of sale at the time of the transaction, or knowingly makes a false representation on a bill of sale, as required by this section is guilty of a class C felony.

(4) A person who knowingly fails to maintain a bill of sale as required by this section is guilty of a gross misdemeanor.

(5) Each catalytic converter involved in a violation of this section is subject to an additional criminal penalty of \$5,000 per catalytic converter. Half of the additional criminal penalty shall be retained by the local jurisdiction; 10 percent shall be directed to the no-buy list database program in RCW 43.43.885; and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 14, after "adding" strike "a new section" and insert "new sections"

Senators Wilson, J. and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Dhingra and Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1386 by Senator Wilson, J. on page 11, after line 37 to striking amendment no. 1389.

The motion by Senator Wilson, J. did not carry, and amendment no. 1386 was not adopted by voice vote.

#### MOTION

Senator Dhingra moved that the following amendment no. 1427 by Senator Dhingra be adopted:

On page 12, line 7, after "for" strike "section 4" and insert "sections 4 through 7"

On page 12, after line 10, insert the following:

"NEW SECTION. **Sec. 13.** Sections 5 through 7 of this act take effect July 1, 2022."

On page 12, line 16, after "providing" strike "an effective date" and insert "effective dates"

Senator Dhingra spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1427 by Senator Dhingra on page 12, line 7 to striking amendment no. 1389.

The motion by Senator Dhingra carried and amendment no. 1427 was adopted by voice vote.

Senator Padden spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking amendment no. 1389 by Senator Wilson, J. as amended to Engrossed Second Substitute House Bill No. 1815.

The motion by Senator Wilson, J. carried and striking amendment no. 1389 as amended was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1815 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Wilson, J., King and McCune spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1815 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663, by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney)

Reducing methane emissions from landfills.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active municipal solid waste landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Ambient air" means the surrounding outside air.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(6) "Department" means the department of ecology.

(7) "Emission" means a release of air contaminants into the ambient air.

(8) "Gas collection system" means any system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient and actively extract landfill gas.

(9) "Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines.

(10) "Gas control system" means any system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

(11) "Municipal solid waste landfill" means a discrete area of land or an excavation that receives household waste and that is not a land application site, surface impoundment, injection well, or pile.

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

NEW SECTION. **Sec. 2.** (1) This chapter applies to all municipal solid waste landfills that received solid waste after January 1, 1992, except as provided in subsection (2) of this section.

(2) This chapter does not apply to the following landfills:

(a) Landfills that receive only hazardous waste, or are currently regulated under the comprehensive environmental response, compensation, and liability act, 42 U.S.C. chapter 103; and

(b) Landfills that receive only inert waste or nondecomposable wastes.

(3) The department must adopt rules to implement this chapter. The rules adopted by the department must be informed by landfill methane regulations adopted by the California air resources board, the Oregon environmental quality commission, and the United States environmental protection agency.

**NEW SECTION. Sec. 3.** (1) Each owner or operator of an active municipal solid waste landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department or local authority pursuant to section 7 of this act.

(a) The waste in place report must be prepared for the period of January 1st through December 31st of each year. The report must be submitted to the department or local authority during the subsequent calendar year, with the date of submission to be established by rule as adopted by the department.

(b) The waste in place report must be submitted annually until either:

(i) The active municipal solid waste landfill reaches a size greater than or equal to 450,000 tons of waste in place; or

(ii) The owner or operator submits a closure notification pursuant to section 7 of this act.

(2) Each owner or operator of either an active municipal solid waste landfill having greater than or equal to 450,000 tons of waste in place or a closed municipal solid waste landfill having greater than or equal to 750,000 tons of waste in place must calculate the landfill gas heat input capacity pursuant to section 8 of this act and the department's implementing rules and must submit a landfill gas heat input capacity report to the department or local authority.

(a) If the calculated landfill gas heat input capacity is less than 3,000,000 British thermal units per hour recovered, the owner or operator must:

(i) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 8 of this act and the department's implementing rules; and

(ii) Submit an annual landfill gas heat input capacity report to the department or local authority until either of the following conditions are met:

(A) The calculated landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered; or

(B) If the municipal solid waste landfill is active, the owner or operator submits a closure notification pursuant to section 7 of this act.

(b) If the landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered, the owner or operator must either:

(i) Comply with the requirements of this chapter and the department's implementing rules; or

(ii) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules. Based on the monitoring results, the owner or operator must do one of the following:

(A) If there is any measured concentration of methane of 200 parts per million by volume or greater from the surface of an active, inactive, or closed municipal solid waste landfill, comply with this chapter and the department's implementing rules adopted pursuant to section 2 of this act;

(B) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of an active municipal solid waste landfill, recalculate the landfill gas heat input capacity annually as required in (a) of this subsection until such time that the owner or operator submits a closure notification pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; or

(C) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of a closed or inactive municipal solid waste landfill, the requirements of this chapter and the department's implementing rules adopted pursuant to section 2 of this act no longer apply, provided that the following information is submitted to and approved by the department or local authority:

(I) A waste in place report pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; and

(II) All instantaneous surface monitoring records.

**NEW SECTION. Sec. 4.** (1) The owner or operator of any municipal solid waste landfill that has a calculated landfill gas heat input capacity greater than or equal to 3,000,000 British thermal units per hour recovered must install a gas collection and control system that meets the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act, unless the owner or operator demonstrates to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a municipal solid waste landfill partners with a third party to operate all or a portion of the gas collection and control system or energy recovery device, the obligation to comply with the requirements of this chapter are the responsibility of the owner or operator of the relevant portion of the gas collection and control system or energy recovery device.

(2) The gas collection and control system must handle the expected gas generation flow rate from the entire area of the municipal solid waste landfill and must collect gas at an extraction rate to comply with the surface methane emission limits set forth in section 5 of this act and the department's implementing rules.

(3) The gas collection and control system must be designed and operated so that there is no landfill gas leak that exceeds 500 parts per million by volume, measured as methane, at any component under positive pressure.

(4) The gas collection and control system, if it uses a flare, must achieve a methane destruction efficiency of at least 99 percent by weight and must use either an enclosed flare or, if the system uses an open flare, the open flare must comply with the following requirements:

(a) The open flare must meet the requirements of 40 C.F.R. Sec. 60.18 (as last amended by 73 Fed. Reg. 78209, December 22, 2008);

(b) An open flare installed and operating prior to December 31, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas heat input capacity is less than 3,000,000 British thermal units per hour pursuant to section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(c) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to

FIFTY FOURTH DAY, MARCH 4, 2022

address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority pursuant to section 10 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(5) If the gas collection and control system does not use a flare, it must either route the collected gas to an energy recovery device or devices, or must route the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

(6) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the owner or operator of the energy recovery device or devices must comply with the following requirements:

(a) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight, except for lean-burn internal combustion engines that were installed and operating prior to January 1, 2022, which must reduce the outlet methane concentration to less than 3,000 parts per million by volume, dry basis corrected to 15 percent oxygen; and

(b) If a boiler or a process heater is used as the gas control device, the landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(7) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the owner or operator of the treatment system must ensure the system achieves a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to subsection (4) of this section.

(8) The owner or operator of a municipal solid waste landfill must conduct a source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device is currently in compliance with source testing requirements as of the effective date of this section, the owner or operator must conduct the source test no less frequently than once every five years. If a gas control device is currently not in compliance with source testing requirements as of the effective date of this section, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years.

**NEW SECTION. Sec. 5.** (1) Except as provided in section 4 of this act, beginning January 1st of the year following the year in which the department adopts rules to implement this chapter, or upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to section 4 of this act, whichever is later, and except as provided by the department to accommodate significant technological improvements not to exceed 24 months after the department adopts rules to implement this chapter, no location on a municipal solid waste landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the municipal solid waste landfills conducts, pursuant to section 6 of this act, instantaneous surface emissions monitoring or integrated surface emissions monitoring:

(a) Five hundred parts per million by volume, other than nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(2) Any reading exceeding the limits set forth in subsection (1) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map of the municipal solid waste landfill, drawn to scale, with the location of both the monitoring grids and the gas collection system clearly identified; and

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, or well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance.

(3) The requirements of this section do not apply to:

(a) The working face of the landfill;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation; or

(d) Areas of the landfill in which the landfill owner or operator, or a designee of the owner or operator, is engaged in active mining for minerals or metals.

**NEW SECTION. Sec. 6.** (1) The owner or operator of a municipal solid waste landfill with a gas collection and control system must conduct instantaneous or integrated surface monitoring of the landfill surface according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor the gas control system according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor each individual wellhead to determine the gauge pressure according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

**NEW SECTION. Sec. 7.** (1) The owner or operator of a municipal solid waste landfill must maintain records and prepare reports as prescribed in this section and in the department's implementing rules adopted pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill must maintain records related to monitoring, testing, landfill operations, and the operation of the gas control device, gas collection system, and gas control system. The records must be provided by the owner or operator to the department or local authority within five business days of a request from the department or local authority.

(3) The owner or operator of a municipal solid waste landfill that ceases to accept waste must submit a closure notification to the department or local authority within 30 days of ceasing to accept waste.

(4) The owner or operator of a municipal solid waste landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment.

(5) The owner or operator of either an active municipal solid waste landfill with 450,000 or more tons of waste in place or a closed municipal solid waste landfill with 750,000 or more tons of waste in place must prepare an annual report for the period of January 1st through December 31st of each year. The annual report must include a calculation of landfill gas heat input capacity. Each annual report must be submitted to the department and local authority during the subsequent calendar year, with the date of submission to be established through rules adopted by the department.

(6) The owner or operator of an active municipal solid waste landfill with fewer than 450,000 tons of waste in place must submit a waste in place report to the department or local authority.

**NEW SECTION. Sec. 8.** (1) Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority based on standards adopted by the department that address calibration, specifications, and performance criteria.

(2) The determination of landfill gas heat input capacity must be calculated consistent with the department's implementing rules adopted pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(4) The owner or operator of a municipal solid waste landfill must measure leaks using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(5) The expected gas generation flow rate must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(6) The control device destruction efficiency must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(7) Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority.

(8) Alternative test methods may be used if they are approved in writing by the department or local authority.

**NEW SECTION. Sec. 9.** (1) The department or local authority must allow the capping or removal of the gas collection and control system at a closed municipal solid waste landfill, provided the following three requirements are met:

(a) The gas collection and control system was in operation for at least 15 years, unless the owner or operator demonstrates to the satisfaction of the department or local authority that due to declining methane rates, the municipal solid waste landfill will be unable to operate the gas collection and control system for a 15 year period;

(b) Surface methane concentration measurements do not exceed the limits specified in section 5 of this act; and

(c) The owner or operator submits an equipment removal report to the department or local authority pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(2) Nothing in this section may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state clean

air act, the federal clean air act, or rules adopted pursuant to either the state clean air act or the federal clean air act.

**NEW SECTION. Sec. 10.** (1) The owner or operator of a municipal solid waste landfill may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in sections 4, 6, and 8 of this act, and the department's implementing rules adopted pursuant to section 2 of this act. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance option requests include, but are not limited to: Compliance history; documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components; permits; component testing and surface monitoring results; gas collection and control system operation, maintenance, and inspection records; and historical meteorological data.

(3) The department must review the requested alternatives and either approve or disapprove the alternatives within 120 days. The department may request that additional information be submitted as part of the review of the requested alternatives.

(4) If a request for an alternative compliance option is denied, the department must provide written reasons for the denial.

(5) The department must deny a request for alternative compliance measures if the request does not provide levels of enforceability or methane emissions control that are equivalent to those set forth in this chapter or in the department's implementing rules adopted pursuant to section 2 of this act.

**NEW SECTION. Sec. 11.** The department or local authority may request that any owner or operator of a municipal solid waste landfill demonstrate that a landfill does not meet the applicability criteria specified in section 2 of this act. Such a demonstration must be submitted to the department or local authority within 90 days of a written request received from the department or local authority.

**NEW SECTION. Sec. 12.** Any person who violates this chapter or any rules that implement this chapter may incur a civil penalty pursuant to RCW 70A.15.3160. The department shall waive penalties in the event the owner or operator of the landfill is actively taking corrective actions to control any methane exceedances. Penalties collected under this section must be deposited into the air pollution control account created in RCW 70A.15.1010 and may only be used to implement chapter 70A.-- - RCW (the new chapter created in section 18 of this act).

**NEW SECTION. Sec. 13.** The department and local authorities may assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter.

**NEW SECTION. Sec. 14.** The department of ecology shall:

(1) Undertake, in consultation with districts that monitor methane, monitoring and measurements of high emission methane hot spots in the state using the best available and cost-effective scientific and technical methods, which may include monitoring and mapping methane emissions using aircraft. The department may consult with federal and state agencies, independent scientific experts, and any other appropriate entities to gather or acquire the necessary information; and

(2) Submit a report with the department's findings to the legislature by January 1, 2025.

**Sec. 15.** RCW 70A.65.080 and 2021 c 316 s 10 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for

FIFTY FOURTH DAY, MARCH 4, 2022

any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)((~~a~~)) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a

~~(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or~~

~~(ii) Railroad) railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.~~

~~((b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:~~

~~(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH – Municipal Solid Waste landfills, and subsequent updates; and~~

~~(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.~~

~~(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (~~3~~) take full effect.)~~

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions,

as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; ~~((and))~~

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions

must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under chapter 316, Laws of 2021 and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

**Sec. 16.** RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16, and 2021 c 132 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25, 70A.60, 70A.450, ((or 70A.60)) 70A.535 ((RCW)), or 70A.--- RCW (the new chapter created in section 18 of this act), RCW 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4)(a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department or the department of natural resources shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.60 RCW must be paid into the state treasury and credited to the refrigerant emission management account created in RCW 70A.60.050.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related

FIFTY FOURTH DAY, MARCH 4, 2022

activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly underreporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 17.** RCW 70A.15.1010 and 2021 c 315 s 13 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 (~~and~~), 70A.15.5120, and section 12 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapters 70A.25 and 70A.--- (the new chapter created in section 18 of this act) RCW, and RCW 70A.60.060. Moneys collected under section 12 of this act may only be used to implement chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 18.** Sections 1 through 13 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "landfills;" strike the remainder of the title and insert "amending RCW 70A.65.080 and 70A.15.1010; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Randall, Senator Wellman was excused.

MOTION

Senator Braun moved that the following amendment no. 1413 by Senator Braun be adopted:

On page 7, line 6, after "improvements" insert ", which may include the installation of an energy recovery device or devices,"

Senators Braun and Lovelett spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1413 by Senator Braun on page 7, line 6 to the committee striking amendment.

The motion by Senator Braun carried and amendment no. 1413 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1419 by Senator Short be adopted:

Beginning on page 11, line 34, strike all of section 14  
Renummer the remaining sections consecutively and correct any internal references accordingly.

On page 20, line 10, after "RCW;" strike "creating a new section;"

Senators Short and Lovelett spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1419 by Senator Short on page 11, line 34 to the committee striking amendment.

The motion by Senator Short carried and amendment no. 1419 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1420 by Senator Short be adopted:

On page 19, after line 38, insert the following:  
"**Sec. 18.** RCW 70A.65.260 and 2021 c 316 s 29 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy

economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, ~~(or other means))~~ installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.--- RCW (the new chapter created in section 19 of this act);

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 20, beginning on line 8, after "70A.65.080" strike "and 70A.15.1010" and insert ", 70A.15.1010, and 70A.65.260"

Senators Short and Lovelett spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1420 by Senator Short on page 19, after line 38 to the committee striking amendment.

The motion by Senator Short carried and amendment no. 1420 was adopted by voice vote.

Senator Lovelett spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1663.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

The motion by Senator Lovelett carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute House Bill No. 1663 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1663 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1663 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Robinson and Wellman

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1659, by House Committee on Appropriations (originally sponsored by Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame)

Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security.

The measure was read the second time.

## MOTION

Senator Randall moved that the following striking amendment no. 1478 by Senator Randall be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington is not on track to meet the state's educational attainment goal that at least 70 percent of adults, aged 25 to 44, have a postsecondary credential by the year 2023. Adults without a postsecondary credential are more at risk of unemployment, less

likely to earn a living wage, and more vulnerable to economic downturns. The student achievement council has deemed that there are four areas essential to achieve the state's 70 percent attainment goal: Affordability, enrollment, completion, and student supports. In terms of affordability, the legislature recognizes that the Washington college grant is one of the country's largest and most generous financial aid programs. However, the legislature also recognizes that despite an increase in financial aid funding and eligibility, enrollments at institutions of higher education are down due to the COVID-19 pandemic. Many prospective students have made the decision to delay pursuing higher education for a myriad of reasons. However, fewer enrollments mean fewer graduates going on to work in high paying jobs, which could have a significant impact on the state's workforce and economy in the future.

The legislature intends to continue to work towards making higher education more affordable and accessible for the state's population by expanding the Washington college grant program. In addition, the legislature intends to provide additional support beyond tuition and fees with the recognition that many students struggle to pay for books, supplies, room and board, transportation, child care, and more while pursuing their education. Grants beyond tuition and fees can help bridge the gap for students who are struggling to pay for the entire cost of attendance at an institution of higher education, and are often the difference between a student staying enrolled and completing his or her education and dropping out. Since the legislature intends that the grant be provided to the student to assist with basic needs expenses, the legislature recognizes that the student should have a choice in whether the grant is received for those expenses or is applied to a student's account to cover additional institutional costs. Therefore, the legislature intends to bridge the gap and support students by making postsecondary education more affordable, encouraging more enrollments, and helping students complete their credentials so tomorrow's workforce and economy are stronger.

**Sec. 2.** RCW 28B.92.030 and 2019 c 406 s 21 are each amended to read as follows:

As used in this chapter:

(1) "Bridge grant" means an annual stipend provided in addition to the Washington college grant to provide supplementary financial support to low-income students to cover higher education expenses beyond tuition and fees, such as books, lab fees, supplies, technology, transportation, housing, and child care.

(2) "Council" means the student achievement council.

~~((2))~~ (3) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

~~((3))~~ (4) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

~~((4))~~ (5) "Gift aid" means financial aid received, such as grants, scholarships, or worker retraining assistance that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(6) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; ~~((6))~~

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of ~~((twenty))~~ 20 consecutive years within the state of Washington, and has an annual enrollment of at least ~~((seven hundred))~~ 700 full-time equivalent students; or

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

~~((iv))~~ (c) An approved apprenticeship program under chapter 49.04 RCW.

~~((5))~~ (7) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for ~~((fifteen))~~ 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((nine thousand seven hundred thirty nine dollars))~~ \$9,739 and may increase each year afterwards by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((three thousand six hundred ninety four dollars))~~ \$3,694 and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((eight thousand five hundred seventeen dollars))~~ \$8,517 and may increase each year afterwards by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((two thousand eight hundred twenty three dollars))~~ \$2,823 and may increase each year afterwards by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, in the 2019-20 academic year, is ~~((five thousand six hundred nineteen dollars))~~ \$5,619 and may increase each year afterwards by no more than the tuition growth factor.

(g) For students attending approved apprenticeship programs, is tuition and fees, as determined by the office, in addition to required program supplies and equipment.

~~((6))~~ (8) "Office" means the office of student financial assistance.

~~((7))~~ (9) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous ~~((fourteen))~~ 14 years as the wage is determined by the federal bureau of labor statistics.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.92 RCW to read as follows:

(1) As part of the Washington college grant program, the bridge grant pilot program is created.

(2) The office shall award \$500 annual bridge grants to eligible students beginning with the 2022-23 academic year.

(a) Eligible students are Washington college grant recipients who:

(i) Are enrolled on at least a half-time basis at a pilot institution of higher education;

(ii) Receive a maximum award; and

(iii) Are not recipients of the college bound scholarship program under chapter 28B.118 RCW.

(b) The bridge grant shall be applied to a student's financial aid package after all other gift aid has been awarded to the student.

(c) The office shall ensure that each institution of higher education provides students with the option to either apply the bridge grant to the student's account or have the bridge grant disbursed to the student.

(3) The council shall study the implementation of the bridge grant pilot program on postsecondary student enrollment, persistence, and to the extent possible, completion. The council must use a rigorous research design which may include evaluating the effects of the bridge grant by comparing outcomes for students who received the bridge grant to outcomes for students with similar educational and demographic characteristics who did not receive the bridge grant. The educational research and data center shall submit to the council data that includes, but is not limited to, unit record demographics, high school academic history, any available academic outcomes, and other data deemed necessary by the council to conduct this study. A report is due to the appropriate committees of the legislature by June 1, 2027.

(4) "Pilot institution of higher education" means Eastern Washington University, The Evergreen State College, Highline College, Yakima Valley College, Wenatchee Valley College, and Tacoma Community College.

(5) The bridge grant pilot program expires June 30, 2026.

(6) This section expires June 30, 2027.

**NEW SECTION. Sec. 4.** The following acts or parts of acts are each repealed:

(1) RCW 28B.92.060 (State need grant awards) and 2019 c 298 s 4 & 2012 c 229 s 558;

(2) RCW 28B.92.070 (Persian Gulf veterans—Limited application of RCW 28B.92.060) and 2012 c 229 s 559, 2004 c 275 s 38, & 1991 c 164 s 3; and

(3) RCW 28B.92.110 (Application of award) and 2009 c 238 s 10, 2004 c 275 s 40, & 1969 ex.s. c 222 s 16.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "security;" strike the remainder of the title and insert "amending RCW 28B.92.030; adding a new section to chapter 28B.92 RCW; creating new sections; repealing RCW 28B.92.060, 28B.92.070, and 28B.92.110; and providing an expiration date."

Senators Randall and Holy spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 1478 by Senator Randall to Engrossed Second Substitute House Bill No. 1659.

The motion by Senator Randall carried and striking amendment no. 1478 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Second Substitute House Bill No. 1659 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1659 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1659 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Fortunato, Honeyford, McCune, Padden, Rivers, Schoesler, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1659 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Brown: "Thank you Mr. President, I had raised my hand in order to change my vote on the last vote but wasn't acknowledged. And wasn't allowed to unmute myself as well."

RULING BY THE PRESIDENT

President Heck : "Senator Brown, there's a button on your computer, as I am sure you are aware, that says 'change your vote'. That was not registered here."

Senator Brown: "Ok."

President Heck: "If members raise their hand on Zoom, that does not work in this environment. We all understand that, right?"

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on Environment & Energy (originally sponsored by Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame)

Concerning logistical processes for the regulation of priority chemicals in consumer products.

The measure was read the second time.

MOTION

Senator Short moved that the following amendment no. 1423 by Senator Short be adopted:

- On page 2, line 22, after "and" strike "at least"
- On page 2, line 26, after "and" strike "at least"
- On page 2, line 31, after "and" strike "at least"
- On page 2, line 35, after "and" strike "at least"
- On page 4, line 6, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"
- On page 6, at the beginning of line 1, strike "~~(Every)~~ At least every" and insert "Every"
- On page 7, line 10, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

Senators Short and Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1423 by Senator Short on page 2, line 22 to Engrossed Substitute House Bill No. 1694.

The motion by Senator Short carried and amendment no. 1423 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1422 by Senator Short be adopted:

- On page 4, beginning on line 10, after "must" strike all material through "publication" on line 13 and insert "submit a report"
- On page 6, beginning on line 3, after "must" strike all material through "publication" on line 5 and insert "report"
- On page 7, beginning on line 14, after "must" strike all material through "publication" on line 16 and insert "submit a report"

Senators Short and Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1422 by Senator Short on page 4, line 10 to Engrossed Substitute House Bill No. 1694.

The motion by Senator Short carried and amendment no. 1422 was adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute House Bill No. 1694 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1694 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1694 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Wagoner

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1648, by Representatives Vick, Kirby and Dufault

Replacing an inactive certificate status with an inactive license designation.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1648 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1648.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1648 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1927, by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey

Creating leave provisions for legislative service.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1927 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1927.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1927 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden, Sheldon and Wagoner

Excused: Senator Robinson

HOUSE BILL NO. 1927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, by House Committee on Community & Economic Development (originally sponsored by Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame)

Concerning broadband infrastructure loans and grants made by the public works board.

The measure was read the second time.

#### MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.155.160 and 2021 c 332 s 7040 are each amended to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2)(a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection ~~((9))~~ (11) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

(a) Local governments;

(b) Tribes;

(c) Nonprofit organizations;

(d) Cooperative associations;

(e) Multiparty entities comprised of public entity members;

(f) Limited liability corporations organized for the purpose of expanding broadband access; and

(g) Incorporated businesses or partnerships.

(4)(a) The board shall develop administrative procedures governing the ~~((application))~~ preapplication and award process.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day (~~((applications))~~) preapplications may be submitted each fiscal year, the board must publish on its website the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in RCW 43.155.165 as the board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the ~~((application))~~ preapplication:

(a) The location and description of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

~~((The estimated cost of retail services to end users facilitated by a project;~~

~~(f) The proposed actual download and upload speeds experienced by end users;~~

~~(g) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(h) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(i) Evidence of community support for the project;~~

~~(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;~~

~~(k) The estimated total cost of the project;~~

~~(l) Other sources of funding for the project that will supplement any grant or loan award;~~

~~(m) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;~~

~~(n) A strategic plan to maintain long-term operation of the infrastructure;~~

~~((e)) Evidence that ~~((no later than six weeks))~~ before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in RCW 43.330.530, within the time frame specified in the proposed grant or loan activities;~~

~~((f)) (f) If applicable, the broadband service providers' written responses to the inquiry made under ~~((e))~~ (e) of this subsection; ~~(and~~~~

~~((g)) (g) The proposed geographic broadband service area and the proposed broadband speeds in the form and manner prescribed by the board;~~

~~(h) Evidence of community support for the project; and~~

~~(i) Any additional information requested by the board.~~

(6) An applicant for a grant or loan under this section must provide the following information on the application:

~~(a) ~~((Within thirty days of the close of the grant and loan application process, the))~~ The final location and description of the project;~~

~~(b) Evidence that the proposed infrastructure will be capable of scaling to greater download and upload speeds;~~

~~(c) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;~~

~~(d) The estimated cost of retail services to end users facilitated by a project;~~

~~(e) The proposed actual download and upload speeds experienced by end users;~~

~~(f) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(g) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(h) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;~~

~~(i) The estimated total cost of the project;~~

~~(j) Other sources of funding for the project that will supplement any grant or loan award;~~

~~(k) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;~~

~~(l) A strategic plan to maintain long-term operation of the infrastructure;~~

~~(m) If applicable, documentation describing the outcome of the broadband service providers' written responses to the inquiry made prior to or during the preapplication phase; and~~

~~(n) Any additional information requested by the board.~~

~~(7)(a) The board shall publish on its website for at least 30 days the proposed geographic broadband service area and the proposed broadband speeds for each ~~((application))~~ proposed broadband project submitted in the preapplication period.~~

~~(b) The board shall, within three business days following the close of the preapplication cycle, publish on its website preapplications as described in subsection (5) of this section.~~

~~(c) The board shall set an objection period of at least 30 days.~~

~~((b)) (8)(a) Any existing broadband service provider near the proposed project area may ~~((, within thirty days of publication of the information under (a) of this subsection,))~~ submit in writing to the board an objection to ~~((an application))~~ a proposed broadband project. An objection must contain information demonstrating that:~~

~~(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than ~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2); or~~

~~(ii) The objecting provider commits to complete construction of broadband infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or greater than ~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2), no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the ~~((application))~~ preapplication was submitted.~~

~~((e)) (b) Objections submitted to the board under this subsection must be certified by affidavit.~~

~~((d)) (c) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the ~~((application))~~ proposed broadband project objected to. The board may request~~

clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service that meets the requirements of ~~((b))~~ (a) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

~~((c))~~ (d) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

~~((f))~~ (e) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the office and must be submitted in writing in accordance with procedures specified by the office.

~~((g))~~ (f) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

~~((7))~~ (9)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially upgraded broadband service to important community anchor institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project preapplications, project applications, the associated objection process, and funding priority, as provided under this subsection and subsections (3), (5), ~~(and)~~ (6), (7), and (8) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

~~((8))~~ (10) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

~~((9))~~ (11)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

~~((10)) Except for during the 2021-2023 fiscal biennium, prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.~~

~~((11))~~ (12) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

~~((12))~~ (13) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program to the board in order to effectuate an orderly transition.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

((43)) (14)(a) Subject to rules promulgated by the board, the board may make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects. While developing rules, the board shall consider prioritizing broadband infrastructure projects that replace existing infrastructure impacted by an emergency, as described in (b) of this subsection.

(b) Emergency public works broadband projects include construction, repair, reconstruction, replacement, rehabilitation, or improvement to critical broadband infrastructure that has been made necessary by a natural disaster or damaged by unforeseen events. To ensure limited resources are provided as efficiently as possible, the board shall grant priority to emergency public works projects that replace existing infrastructure of the provider whose facilities were damaged by the unforeseen event and shall not provide funds to a new provider to overbuild the existing provider. The loans or grants may be used to help fund all or part of an emergency public works broadband infrastructure project less any reimbursement from any of the following sources: (i) Federal disaster or emergency funds, including funds from the federal emergency management agency; (ii) state disaster or emergency funds; (iii) insurance settlements; and (iv) litigation.

(c) Eligible applicants for grants and loans awarded under this subsection are the same as those described in subsection (3) of this section.

(15) The definitions in RCW 43.330.530 apply throughout this section unless the context clearly requires otherwise.

(16) For purposes of this section, a "proposed broadband project" means a project that has been submitted as a preapplication to the public works board.

**Sec. 2.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 43.155.160 and 42.56.270."

Senator Lovelett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Substitute House Bill No. 1673.

The motion by Senator Lovelett carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute House Bill No. 1673 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Short spoke in favor of passage of the bill.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1673 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1673 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1805, by Representatives Paul, Boehnke and Shewmake

Concerning the opportunity scholarship program.

The measure was read the second time.

## MOTION

Senator Randall moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.145.010 and 2021 c 133 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over ~~((one hundred twenty five thousand))~~ 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

~~((a))~~(i)(A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

~~((ii))~~ (B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

~~((iii))~~ (C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

~~((iv))~~ (D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

~~((b))~~ (ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

~~((c))~~ (iii) Has a family income at or below ~~((one hundred twenty five))~~ 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of

higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" (~~has the same meaning as provided in RCW 28B.15.012~~) means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

**Sec. 2.** RCW 28B.145.030 and 2021 c 170 s 5 are each amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until

such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than \$5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an

FIFTY FOURTH DAY, MARCH 4, 2022

opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has ~~((taken the credit or clock hour equivalent of one hundred twenty five percent of the published length of time of the participant's program, whichever occurs first))~~ extended beyond five years or 125 percent of the published program length of the program in which the student is enrolled or the credit or clock-hour equivalent as defined in the Washington college grant program;

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

**Sec. 3.** RCW 28B.145.100 and 2021 c 133 s 3 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(d) The state match must be based on donations and pledges received as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees as provided under RCW 43.88C.020. The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county ~~((and be enrolled in a community or technical college established under chapter 28B.50 RCW; or));~~

(ii) Have attended and graduated from a school in an eligible school district ~~((and be)); or~~

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW ((that is)) located in an eligible county or participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

~~(b) Be a resident student as defined ((in RCW 28B.15.012; (e)))~~ in the Washington college grant program in RCW 28B.92.200(5)(c);

~~(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;~~

~~(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and~~

~~(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.~~

(4) To remain eligible for scholarship funds under the rural jobs program, the student must ((maintain a cumulative grade point average of 2.0)) meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

~~(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement."~~

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to House Bill No. 1805.

The motion by Senator Randall carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1805 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1805 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1805 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

HOUSE BILL NO. 1805 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1593, by House Committee on Housing, Human Services & Veterans (originally sponsored by Leavitt, Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie, Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr, Ramel, Eslick, Graham, Valdez, Gregerson, Bateman, Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Griffey, Dolan, Ormsby, Chambers, Young, Hackney and Frame)

Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1593.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1593 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1982, by Representatives Volz, Caldier, Wylie and Graham

Clarifying the applicability of penalty and interest on personal property taxes.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1982 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1982.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1982 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED HOUSE BILL NO. 1982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, by House Committee on Finance (originally sponsored by Maycumber, Chapman, Tharinger, Graham, Santos and Macri)

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

Creating the Washington equitable access to credit act.

The measure was read the second time.

### MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This chapter may be known and cited as the Washington equitable access to credit act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to the equitable access to credit program created in chapter 43.--- RCW (the new chapter created in section 6 of this act).

(2)(a) The person must make the contribution before claiming a credit authorized under this section. The credit may be used against any tax due under this chapter. The amount of the credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(b) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried forward and claimed against a person's tax liability for the next succeeding calendar year; and any credit not used in that next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year, but may not be carried over for any calendar year thereafter.

(3) Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this section for any calendar year to exceed \$8,000,000. If this limitation is reached, the department must notify the department of commerce that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide the tax be paid within 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(4) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(6) The equitable access to credit program must provide to the department, upon request, such information as may be needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(7) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to 100 percent of the contributions made by the person to the equitable access to credit program.

(8) No credit may be earned for contributions made on or after June 30, 2027. Credits may be claimed as provided in subsections (2) through (4) of this section; however, credits may not be claimed prior to January 1, 2023.

(9) For the purposes of this section, "equitable access to credit program" means a program established within the department of commerce pursuant to section 3 of this act.

(10) The provisions of chapter 82.32 RCW apply to the administration of this section.

(11) This section expires July 1, 2027.

**NEW SECTION. Sec. 3.** (1) Subject to appropriation, the department of commerce shall create and operate the equitable access to credit program. The purpose of the equitable access to credit program is to award grants to qualified lending institutions, using funds generated by business and occupation tax credits created in section 2 of this act, for the purpose of providing access to credit for historically underserved communities. The equitable access to credit program must be governed by the provisions of this chapter and by any guidelines developed and rules adopted by the department of commerce pursuant to this chapter.

(2) The following requirements apply to the operation of the equitable access to credit program:

(a) No more than 25 percent of all grants awarded in any calendar year may be awarded to the same grant recipient;

(b) Up to 20 percent of an individual grant award may be used by the grant recipient to fund a loan loss reserve, technical assistance, and/or small business training programs;

(c) At least 65 percent of the value of all grants awarded in any calendar year must be provided for native community development financial institution grantees or grantees to provide services or invest, or both, in rural counties as defined in RCW 82.14.370; and

(d) Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3) of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed 10 percent.

(3) In order to receive a grant award under the equitable access to credit program, a qualified lending institution must:

(a) Be recognized by the United States department of the treasury as:

(i) An emerging community development financial institution; or

(ii) A certified community development financial institution;

(b) Match any grant awarded by the equitable access to credit program on:

(i) At least a five percent basis, if the institution is recognized by the United States department of the treasury as an emerging community development financial institution;

(ii) At least a 10 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified community development financial institution; and

(B) Has net assets of fewer than \$3,000,000 at the time of the grant application; or

(iii) At least a 25 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified emerging community development financial institution; and

(B) Has net assets of \$3,000,000 or more at the time of the grant application;

(c) Be registered as a nonprofit organization exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section; and

(d) Demonstrate a history of lending in Washington.

(4) The director must appoint members to an advisory board that will assist the department in ranking applications for the grants. The department is encouraged to seek representation from members with relevant expertise, including those from the banking industry familiar with community development financial institutions, rural economic development professionals, local government representatives, and representatives from federally recognized Indian tribes. The department shall seek, to the greatest extent possible, a fair geographic balance.

(5)(a) The following criteria must be considered in ranking applications:

(i) The number and total value of loans and investments closed during the previous five-year period by the qualified lending institution in Washington and the percentage of those loans and investments that went to historically underserved communities;

(ii) Funds leveraged by the proposed grant award, which may be no less than 25 percent for certified community development financial institutions with net assets of \$3,000,000 or more at the time of the grant application;

(iii) Projected loan or investment production with the award over the performance period of the grant;

(iv) How the award supports the growth of the qualified lending institution;

(v) Past performance of loans and investments made by the qualified lending institution including, where applicable, past performance of loans and investments made using funds from the equitable access to credit program; and

(vi) Awards to a diversity of qualified lending institution awardees, including institutions of different sizes or with different target markets or products, access to historically underserved communities, or other differentiators that ensure a broad-base access to capital.

(b) The department may also include such additional criteria as it deems helpful in achieving the goal of ensuring access to credit to underserved communities across the state.

(6) Grants may be awarded from the equitable access to credit program beginning six months after the first tax credits are claimed pursuant to section 2 of this act. Grant awards must cease from the equitable access to credit program upon the expiration of this chapter.

(7) No loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program may have an interest rate that exceeds 200 basis points above the Wall Street Journal prime rate when the loan or investment is made.

(8) Once a loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program has been repaid, the qualified lending institution must reallocate the repaid funds consistent with the terms of this chapter.

(9) A qualified lending institution that receives funds from the equitable access to credit program must submit a report to the department of commerce by June 30th of each year that contains the following information:

(a) A list of loans and investments made using funds from the equitable access to credit program's grant and associated match, including, on a per-borrower or per-investee basis:

(i) The date the loan or investment was originated;

(ii) The amount of the loan or investment;

(iii) The total cost of the project, including owner equity and leverage;

(iv) The interest rate and interest type;

(v) The Wall Street Journal prime rate at the time the loan or investment is made;

(vi) The term;

(vii) The number of permanent full-time equivalent jobs projected to be created in the business due to this financing;

(viii) Whether the loan or investment utilized a guarantee program;

(ix) The North American industry classification system code;

(x) The entity structure;

(xi) Whether the investee or borrower is more than 50 percent owned or controlled by:

(A) One or more minorities;

(B) One or more women; or

(C) One or more low-income persons;

(xii) The race of the primary investee(s) or borrower(s);

(xiii) Whether the primary investee or borrower is Hispanic or Latino; and

(xiv) The location, by city and county, in which funds from the program will be invested;

(b) Certification that each loan or investment made using funds from the program was to a historically underserved community; and

(c) Other information as required by the department of commerce.

(10) No later than September 15th of each year, beginning in 2022, the department of commerce must submit a report to the appropriate committees of the legislature that contains the following information:

(a) The list of grant applicants, total value of grants requested, and the location of each applicant;

(b) The list of grant recipients, total amount of awards, and required match amounts; and

(c) On an aggregate basis, information on loans and investments as reported under subsection (9) of this section.

(11) The department may contract for all or part of the administration of this section.

(12) The department may adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 4.** The equitable access to credit program account is created in the custody of the state treasurer. All receipts from contributions to the equitable access to credit program created by this chapter must be deposited in the account. Expenditures from the account may be used only for the award of grants to qualified lending institutions from the equitable access to credit program and administrative costs pursuant to section 3 of this act. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Any funds remaining in the account upon the expiration of this chapter must be transferred to the state general fund.

**NEW SECTION. Sec. 5.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to create or retain jobs pursuant to RCW 82.32.808(2)(c), as well as encourage community and economic

FIFTY FOURTH DAY, MARCH 4, 2022

development within communities that have historically lacked access to capital.

(3) It is the legislature's specific public policy objective to create a program that encourages investment in small, underserved businesses to encourage community and economic development in Washington.

(4) The legislature intends to extend the expiration date of this tax preference if a review finds that the equitable access to credit program has had a net positive impact on investment in communities historically underserved by credit and on state and local tax revenues. In conducting its review under this section, the joint legislative audit and review committee should consider, among other data:

(a) The number and aggregate amount of loans and investments originated under the program, including with revolved dollars;

(b) Overall match, including project leverage, invested by grant recipients;

(c) The balance sheet growth of community development financial institutions that received grants from the program;

(d) Whether participants in the program achieved balance sheet growth during the time of their participation in the program;

(e) The percentage of community development financial institutions in Washington that received funding from the program; and

(f) The level of ongoing demand for funding from the program.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) This section expires July 1, 2027.

**NEW SECTION. Sec. 6.** Sections 1, 3, and 4 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1015.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Second Substitute House Bill No. 1015 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1015 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall,

Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle and Rolfes

Excused: Senator Robinson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:46 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 4:54 p.m. by the President Of the Senate, Lt. Governor Heck presiding.

#### SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced Substitute House Bill No. 1616 to be before the Senate and was immediately considered.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1616, by House Committee on Health Care & Wellness (originally sponsored by Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor)

Concerning the charity care act.

The measure was read the second time.

#### MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.170.020 and 2018 c 263 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Department" means department of health.

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(((7))) (8); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Secretary" means secretary of health.

(4) "Charity care" means medically necessary hospital health care rendered to indigent persons when third-party coverage, if any, has been exhausted, to the extent that the persons are unable to pay for the care or to pay deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

(5) "Indigent persons" are those patients or their guarantors who qualify for charity care pursuant to section 2(5) of this act based on the federal poverty level, adjusted for family size, and who have exhausted any third-party coverage.

(6) "Third-party coverage" means an obligation on the part of an insurance company, health care service contractor, health maintenance organization, group health plan, government program, tribal health benefits, or health care sharing ministry as defined in 26 U.S.C. Sec. 5000A to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital health care service. The pendency of such settlements, judgments, or awards must not stay hospital obligations to consider an eligible patient for charity care.

~~((6) "Sliding fee schedule" means a hospital determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.))~~

(7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

Sec. 2. RCW 70.170.060 and 2018 c 263 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care; and

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a ~~((charity care))~~ policy which ~~((consistent with subsection (1) of this section.))~~ shall enable ~~((people below the federal poverty level))~~ indigent persons access to ~~((appropriate hospital based medical services, and a sliding fee schedule for determination of discounts from charges~~

~~for persons who qualify for such discounts by January 1, 1990. The department shall develop specific guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount of hospital charges, except to the extent the patient has third party coverage for those charges.))~~ charity care. The policy shall include procedures for identifying patients who may be eligible for health care coverage through medical assistance programs under chapter 74.09 RCW or the Washington health benefit exchange and actively assisting patients to apply for any available coverage. If a hospital determines that a patient or their guarantor is qualified for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital shall assist the patient or guarantor with applying for such coverage. If a hospital determines that a patient or their guarantor qualifies for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital is not obligated to provide charity care under this section to any patient or their guarantor if the patient or their guarantor fails to make reasonable efforts to cooperate with the hospital's efforts to assist them in applying for such coverage. Hospitals may not impose application procedures for charity care or for assistance with retroactive coverage applications which place an unreasonable burden upon the patient or guarantor, taking into account any physical, mental, intellectual, or sensory deficiencies, or language barriers which may hinder the responsible party's capability of complying with application procedures. It is an unreasonable burden to require a patient to apply for any state or federal program where the patient is obviously or categorically ineligible or has been deemed ineligible in the prior 12 months.

(a) At a minimum, a hospital owned or operated by a health system that owns or operates three or more acute hospitals licensed under chapter 70.41 RCW, an acute care hospital with over 300 licensed beds located in the most populous county in Washington, or an acute care hospital with over 200 licensed beds located in a county with at least 450,000 residents and located on Washington's southern border shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 300 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 301 and 350 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection;

(iii) All patients and their guarantors whose income is between 351 and 400 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(b) At a minimum, a hospital not subject to (a) of this subsection shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 200 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 201 and 250 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital

FIFTY FOURTH DAY, MARCH 4, 2022

charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection; and

(iii) All patients and their guarantors whose income is between 251 and 300 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(c)(i) If a hospital considers the existence, availability, and value of assets in order to reduce the discount extended, it must establish and make publicly available a policy on asset considerations and corresponding discount reductions.

(ii) If a hospital considers assets, the following types of assets shall be excluded from consideration:

(A) The first \$5,000 of monetary assets for an individual or \$8,000 of monetary assets for a family of two, and \$1,500 of monetary assets for each additional family member. The value of any asset that has a penalty for early withdrawal shall be the value of the asset after the penalty has been paid;

(B) Any equity in a primary residence;

(C) Retirement plans other than 401(k) plans;

(D) One motor vehicle and a second motor vehicle if it is necessary for employment or medical purposes;

(E) Any prepaid burial contract or burial plot; and

(F) Any life insurance policy with a face value of \$10,000 or less.

(iii) In considering assets, a hospital may not impose procedures which place an unreasonable burden on the responsible party. Information requests from the hospital to the responsible party for the verification of assets shall be limited to that which is reasonably necessary and readily available to substantiate the responsible party's qualification for charity sponsorship and may not be used to discourage application for such sponsorship. Only those facts relevant to eligibility may be verified and duplicate forms of verification may not be demanded.

(A) In considering monetary assets, one current account statement shall be considered sufficient for a hospital to verify a patient's assets.

(B) In the event that no documentation for an asset is available, a hospital shall rely upon a written and signed statement from the responsible party.

(iv) Asset information obtained by the hospital in evaluating a patient for charity care eligibility shall not be used for collection activities.

(v) Nothing in this section prevents a hospital from considering assets as required by the centers for medicare and medicaid services related to medicare cost reporting.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's website. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar

statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [website] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

(11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

(13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

**NEW SECTION. Sec. 3.** This act applies prospectively only to care provided on or after July 1, 2022. This act does not affect the ability of a patient who received care prior to July 1, 2022, to receive charity care under RCW 70.170.020 and 70.170.060 as the sections existed before that date."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.170.020 and 70.170.060; and creating a new section."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, amendment no. 1418 by Senator Rivers on page 7, line 35 to Substitute House Bill No. 1616 was withdrawn.

## MOTION

Senator Rivers moved that the following amendment no. 1481 by Senator Rivers be adopted:

On page 7, after line 35, insert the following:

**"NEW SECTION. Sec. 3.** (1) The office of the insurance commissioner, in consultation with the Washington health benefit exchange, shall study and analyze how increasing eligibility for charity care impacts enrollment in health plans with high deductibles over a four-year time period.

(2) By November 1, 2026, the office of the insurance commissioner shall report to the health care committees of the legislature enrollment trends in health plans with high deductibles from January 1, 2023, through June 30, 2026. The one-time report shall include the number of individuals enrolled in high deductible plans for each year and by each county.

(3) This section expires January 1, 2027."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 8, beginning on line 4, strike "and creating a new section." and insert "creating new sections; and providing an expiration date."

Senators Rivers and Cleveland spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1481 by Senator Rivers on page 7, after line 35 to Substitute House Bill No. 1616.

The motion by Senator Rivers carried and amendment no. 1481 was adopted by voice vote.

Senator Cleveland spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care as amended to Substitute House Bill No. 1616.

The motion by Senator Cleveland carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1616 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1616 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1616 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Robinson

SUBSTITUTE HOUSE BILL NO. 1616 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:07 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

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 EVENING SESSION
 

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The Senate was called to order at 6:07 p.m. by the President of the Senate, Lt. Governor Heck presiding.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1051,  
HOUSE BILL NO. 1613,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795,  
SECOND SUBSTITUTE HOUSE BILL NO. 1818,  
HOUSE BILL NO. 1832,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930,  
SUBSTITUTE HOUSE BILL NO. 2019,  
and ENGROSSED HOUSE BILL NO. 2096.

## SECOND READING

SENATE BILL NO. 5459, by Senators Mullet and Wilson, L.

Creating a business and occupation tax deduction for credit card processing companies.

## MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 5459 was substituted for Senate Bill No. 5459 and the substitute bill was placed on the second reading and read the second time.

SENATE BILL NO. 5459, by Committee on Ways & Means (originally sponsored by Senators Mullet and Wilson, L.)

Revised for Substitute: Creating a business and occupation tax deduction for persons conducting payment card processing activity.

## MOTION

Senator Hasegawa moved that the following amendment no. 1482 by Senator Hasegawa be adopted:

On page 2, beginning on line 31, strike all of section 3  
Renumber the remaining section consecutively.

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

On page 1, line 3 of the title, after "creating" strike "new sections" and insert "a new section"

Senators Hasegawa and Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1482 by Senator Hasegawa on page 2, line 31 to Substitute Senate Bill No. 5459.

The motion by Senator Hasegawa carried and amendment no. 1482 was adopted by voice vote.

## MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Wilson, L. spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5459.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5459 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Das, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Conway, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Rolfes, Saldaña and Trudeau

Excused: Senator Robinson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5714, by Senators Carlyle, Lias, Gildon, Lovelett, Mullet, Nguyen and Rolfes

Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas.

## MOTION

On motion of Senator Carlyle, Substitute Senate Bill No. 5714 was substituted for Senate Bill No. 5714 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Schoesler moved that the following amendment no. 1372 by Senator Schoesler be adopted:

On page 4, line 4, after "department." insert "To be eligible for deferral of taxes under this chapter, the application must show that the project will generate electricity at a cost that is at or below the prevailing retail rate for electricity provided by the local electric utility."

On page 6, beginning on line 4, after "that" strike all material through "energy" on line 6

On page 6, line 9, after "years," insert "an investment project is not connected to the electrical grid and producing solar energy, or the cost of generating electricity at the investment project is higher than the prevailing rate for electricity provided by the local electric utility,"

Senators Schoesler and Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1372 by Senator Schoesler on page 4, line 4 to Substitute Senate Bill No. 5714.

The motion by Senator Schoesler did not carry and amendment no. 1372 was not adopted by voice vote.

## MOTION

Senator Schoesler moved that the following amendment no. 1373 by Senator Schoesler be adopted:

On page 5, beginning on line 1, strike all of section 6 and insert the following:

**"NEW SECTION. Sec. 6.** Except as otherwise provided in this chapter, the recipient of the deferral under this chapter must receive a reduction of 100 percent of state and local sales and use taxes to be repaid if the department of labor and industries certifies that the eligible investment project includes: Procurement from and contracts with women, minority, or veteran-owned businesses; procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations; apprenticeship utilization; and preferred entry for workers living in the area where the eligible investment project is being constructed. In the event that an eligible investment project is built without one or more of these standards, and a project developer or its designated principal contractor demonstrates that it has made all good faith efforts to meet the standards but was unable to comply due to lack of availability of qualified businesses or local hires, the department of labor and industries may certify that the developer complied with one or more standards."

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

## MOTION

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 5, line 1 to Substitute Senate Bill No. 5714.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Excused: Senator Robinson.

#### MOTION

Senator Carlyle moved that the following amendment no. 1374 by Senator Carlyle be adopted:

On page 5, line 1, after "Sec. 6." insert "(1)"

On page 5, at the beginning of line 5, strike "(1)" and insert "(a)"

On page 5, at the beginning of line 20, strike "(2)" and insert "(b)"

On page 5, line 22, after "with" strike "subsection (1) of this section" and insert "(a) of this subsection"

On page 5, at the beginning of line 25, strike "(3)" and insert "(c)"

On page 5, after line 28, insert the following:

"(2)(a) The department of labor and industries must adopt emergency and permanent rules to:

(i) Define and set minimum requirements for all labor standards identified in subsection (1) of this section as well as documentation requirements and a certification process. The certification process and timeline must be designed to prevent undue delay to project development; and

(ii) Set requirements for all good faith efforts under subsection (1)(a) and (b) of this section. Requirements for all good faith efforts must be designed to maximize the likelihood that the project is completed with the standards, and include: Proactive outreach to women, minority, and veteran-owned businesses; advertising in local community publications and publications appropriate to identified firms and with the office of minority and women's business enterprises; participating in community job fairs, conferences, and trade shows; and other measures.

(b) The standards for procurement from and contracts with women or minority-owned businesses under subsection (1)(a) of this section must include a requirement that the recipient of the deferral consult with the office of minority and women's business enterprises to develop a plan to meet the standards or good faith efforts. The requirements for good faith efforts must include the office of minority and women's business enterprises review to determine compliance with the plan.

(c) The labor standard for procurement from and contracts with veteran-owned businesses under subsection (1)(a) of this section must include a requirement that the recipient of the deferral consult with the department of veterans affairs to develop a plan to meet the standards or good faith efforts. The requirements for good faith efforts must include the department of veterans affairs review to determine compliance with the plan.

(d) The department of labor and industries must consult with the office of minority and women's business enterprises, the department of veterans affairs, and the Washington apprenticeship and training council in setting standards and good faith efforts."

Senator Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1374 by Senator Carlyle on page 5, line 1 to Substitute Senate Bill No. 5714.

The motion by Senator Carlyle carried and amendment no. 1374 was adopted by voice vote.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President. Will the sponsor of the bill yield to a question?"

President Heck: "Senator Carlyle, do you yield? He does not."

#### POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President. Will the gentleman from the 11<sup>th</sup> District yield to a question?"

Senator Hasegawa: "Sure, fire away."

Senator Schoesler: "Senator Hasegawa, with your extensive experience in tax policy, does this bill have the protections that you sponsored as an amendment to the previous bill?"

Senator Hasegawa: "Let me see, this is 5714. I do not have an amendment for this bill, sorry."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5714.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Robinson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5755, by Senators Trudeau, Billig, Nobles, Saldaña and Wellman

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of vacant lands in urban areas.

Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.  
Excused: Senator Robinson

MOTION

On motion of Senator Trudeau, Second Substitute Senate Bill No. 5755 was substituted for Senate Bill No. 5755 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSITUTE SENATE BILL NO. 5755, by Committee on Ways & Means (originally sponsored by Senators Trudeau, Billig, Nobles, Saldaña and Wellman)

Revised for Second Substitute: Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of underdeveloped lands in urban areas.

MOTION

Senator Hasegawa moved that the following amendment no. 1421 by Senator Hasegawa be adopted:

On page 11, beginning on line 16, strike all of section 15  
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, line 18, after "through" strike "15" and insert "14"

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1421 by Senator Hasegawa on page 11, line 16 to Second Substitute Senate Bill No. 5755.

The motion by Senator Hasegawa carried and amendment no. 1421 was adopted by voice vote.

MOTION

On motion of Senator Trudeau, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5755.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, McCune,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5849, by Senator Warnick

Concerning tax incentives.

The measure was read the second time.

MOTION

Senator Billig moved that the following amendment no. 1466 by Senator Billig be adopted:

Beginning on page 2, line 22, strike all of section 2  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 4, line 35, strike all of sections 4 through 6  
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 1 of the title, after "incentives;" strike all material through "dates." on line 4 and insert "amending RCW 82.25.030 and 82.04.294; creating a new section; providing an effective date; and providing an expiration date."

Senators Billig and Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1466 by Senator Billig on page 2, line 22 to Senate Bill No. 5849.

The motion by Senator Billig carried and amendment no. 1466 was adopted by voice vote.

MOTION

On motion of Senator Randall, Senator Kuderer was excused.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Rolfes, Rivers and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden,

Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

Excused: Senators Kuderer and Robinson

ENGROSSED SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5799, by Senators Robinson and Lovick

Modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations.

#### MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 5799 was substituted for Senate Bill No. 5799 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5799, by Committee on Business, Financial Services & Trade (originally sponsored by Senators Robinson and Lovick)

Revised for Substitute: Modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5799.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Kuderer, Liias and Robinson

SUBSTITUTE SENATE BILL NO. 5799, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5901, by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

Concerning economic development tax incentives for targeted counties.

The measure was read the second time.

#### MOTION

Senator Warnick moved that the following amendment no. 1479 by Senator Warnick be adopted:

On page 2, beginning on line 36, after "(5)" strike all material through "82.63.010." on line 37 and insert "(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the eligible investment project is a phased project, "initiation of construction" applies separately to each phase."

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1479 by Senator Warnick on page 2, line 36 to Senate Bill No. 5901.

The motion by Senator Warnick carried and amendment no. 1479 was adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Senate Bill No. 5901 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5901.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon,

FIFTY FOURTH DAY, MARCH 4, 2022

2022 REGULAR SESSION

Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Kuderer, Liias and Robinson

ENGROSSED SENATE BILL NO. 5901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5980, by Senators Carlyle, Randall, Hunt, Kuderer and Mullet

Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses.

## MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5980 was substituted for Senate Bill No. 5980 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5980, by Committee on Ways & Means (originally sponsored by Senators Carlyle, Randall, Hunt, Kuderer and Mullet)

Revised for Substitute: Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses.

## MOTION

Senator Wilson, L. moved that the following amendment no. 1383 by Senator Wilson, L. be adopted:

On page 2, line 2, after "82.32.045." insert "The credit amounts must be adjusted every five years as provided in subsection (5) of this section."

On page 2, after line 18, insert the following:

"(5) Beginning July 1, 2027, and every fifth July 1st thereafter, the credit amounts specified in subsection (1) of this section must be adjusted to reflect the percentage change in the implicit price deflator for personal consumption expenditures as published by the United States department of commerce, bureau of economic analysis, for the most recent 60-month period ending December 31st of the prior year. The revised credit amounts determined under this subsection (5) must be rounded up to the nearest five dollar increment."

On page 3, line 14, after "\$125,000" insert ", except as provided in subsection (7) of this section"

On page 3, after line 31, insert the following:

"(7) Beginning July 1, 2027, and every fifth July 1st thereafter, the filing threshold specified in subsection (5)(a) of this section must be adjusted to reflect the percentage change in the implicit price deflator for personal consumption expenditures as published by the United States department of commerce, bureau of economic analysis, for the most recent 60-month period ending December 31st of the prior year. The revised filing threshold

determined under this subsection (7) must be rounded up to the nearest \$1,000 increment."

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1383 by Senator Wilson, L. on page 2, line 2 to Substitute Senate Bill No. 5980.

The motion by Senator Wilson, L. did not carry, and amendment no. 1383 was not adopted by voice vote.

## MOTION

Senator Hasegawa moved that the following amendment no. 1483 by Senator Hasegawa be adopted:

On page 3, beginning on line 34, strike all of section 4

On page 1, line 1 of the title, after "substantial" strike "and permanent"

On page 1, beginning on line 6 of the title, after "creating" strike all material through "sections" on line 7 and insert "a new section"

Senators Hasegawa and Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1483 by Senator Hasegawa on page 3, line 34 to Substitute Senate Bill No. 5980.

The motion by Senator Hasegawa carried and amendment no. 1483 was adopted by voice vote.

## MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5980 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Wilson, L., Carlyle and Fortunato spoke in favor of passage of the bill.

## POINT OF ORDER

Senator Pedersen: "Mr. President, the gentleman is speaking to a, oh... the gentleman from the 31<sup>st</sup> District is speaking to a different bill, not the bill at hand."

President Heck: "Senator Fortunato, please restrict your remarks to the measure pending before the Senate and proceed sir."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5980.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon,

Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Kuderer, Liias and Robinson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5309, by Senators Rivers, Brown, Das, Fortunato, Hasegawa, Keiser, Lovelett, Mullet, Robinson, Wilson, C. and Wilson, L.

Providing a sales and use tax exemption for adult and baby diapers.

The measure was read the second time.

#### POINT OF ORDER

Senator Honeyford: "Thank you Mr. President. It is after 7 pm and I was wondering, what's for dinner?"

#### RULING BY THE PRESIDENT

President Heck: "Above my pay grade."

#### MOTION

Senator Rivers moved that the following amendment no. 1292 by Senator Rivers be adopted:

On page 1, line 8, after "Laws of" strike "2021" and insert "2022"

On page 2, line 19, after "October 1," strike "2021" and insert "2022"

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1292 by Senator Rivers on page 1, line 8 to Engrossed Senate Bill No. 5309.

The motion by Senator Rivers carried and amendment no. 1292 was adopted by voice vote.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Das spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Mullet was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5309.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Kuderer, Liias and Robinson

ENGROSSED SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House has passed

ENGROSSED HOUSE BILL NO. 1990 and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

At 7:22 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Monday, March 7, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

**FIFTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, March 7, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

The second-grade class of Mis Liburd from Ruby Bridges Elementary School, Woodinville, led the Senate in the Pledge of Allegiance.

Wa He Lut Indian School students, Frank's Camp Indian Community, Nisqually, ceremonially recited a Native American pledge and performed welcome songs.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 5, 2022

SB 5778 Prime Sponsor, Senator Braun: Addressing the current backlog of vehicle inspections. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5778 be substituted therefor, and the substitute bill do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

March 5, 2022

ESHB 1530 Prime Sponsor, Committee on Transportation: Creating Washington wine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

March 5, 2022

HB 2024 Prime Sponsor, Representative Fey: Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Liias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Holy; Lovelett; Lovick; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

March 4, 2022

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 4, 2022, Governor Insee approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5252**

Relating to school district consultation with local tribes.

**Substitute Senate Bill No. 5546**

Relating to insulin affordability.

**Substitute Senate Bill No. 5564**

Relating to protecting the confidentiality of employee assistance programs.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

**MOTION**

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

March 4, 2022

MR. PRESIDENT:  
The House has passed:

ENGROSSED SENATE BILL NO. 5017,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5196,  
SECOND ENGROSSED SUBSTITUTE  
SENATE BILL NO. 5275,  
SENATE BILL NO. 5505,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5548,  
SUBSTITUTE SENATE BILL NO. 5590,  
SENATE BILL NO. 5615,

SENATE BILL NO. 5624,  
 SUBSTITUTE SENATE BILL NO. 5678,  
 SUBSTITUTE SENATE BILL NO. 5745,  
 SUBSTITUTE SENATE BILL NO. 5756,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5758,  
 SENATE BILL NO. 5787,  
 SUBSTITUTE SENATE BILL NO. 5862,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 4, 2022

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1641,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1918,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1988,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

HB 1641 by Representatives Hoff, Springer, Corry, Dufault, Graham, Sutherland, Rule, Griffey and Young

AN ACT Relating to restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1846 by House Committee on Finance (originally sponsored by Berg and Ramel)

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986 and 82.12.986; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 1914 by House Committee on Community & Economic Development (originally sponsored by Riccelli, Orcutt, Berry, Leavitt, McEntire, Ryu, Santos, Walen, Wicks, Ortiz-Self, Stonier, Robertson, Peterson, Rule, Vick, Goodman, Dolan, Orwall, Eslick, Barkis, Graham, Berg, Dent, Bateman and Macri)

AN ACT Relating to updating and expanding the motion picture competitiveness program; amending RCW 43.365.005, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified).

Referred to Committee on Ways & Means.

2SHB 1918 by House Committee on Finance (originally sponsored by Macri, Valdez, Berry, Ryu, Simmons,

Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley and Pollet)

AN ACT Relating to reducing emissions from outdoor power equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

2SHB 1988 by House Committee on Appropriations (originally sponsored by Shewmake, Berry and Paul)

AN ACT Relating to tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage; adding a new chapter to Title 82 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

EHB 1990 by Representatives Duerr, Slatter, Kloba, Walen and Fey

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor; adding a new section to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2018 by House Committee on Appropriations (originally sponsored by Paul, Rule, Bergquist, Bronoske, Chapman, Leavitt, Ramel, Ryu, Sutherland, Berg, Callan, Frame, Riccelli and Lekanoff)

AN ACT Relating to creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.14 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

At 10:09 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:00 o'clock p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### MOTIONS

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

#### THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

Senator Dozier moved that Rebecca M. Johnson, Senate Gubernatorial Appointment No. 9021, be confirmed as a member of the Whatcom Community College Board of Trustees.

Senator Randall spoke in favor of the motion.

#### APPOINTMENT OF REBECCA M. JOHNSON

The President declared the question before the Senate to be the confirmation of Rebecca M. Johnson, Senate Gubernatorial Appointment No. 9021, as a member of the Whatcom Community College Board of Trustees.

The Secretary called the roll on the confirmation of Rebecca M. Johnson, Senate Gubernatorial Appointment No. 9021, as a member of the Whatcom Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Trudeau, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senators Stanford and Van De Wege

Rebecca M. Johnson, Senate Gubernatorial Appointment No. 9021, having received the constitutional majority was declared confirmed as a member of the Whatcom Community College Board of Trustees.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Steven R. Hill, Senate Gubernatorial Appointment No. 9022, be confirmed as a member of the Seattle College District Board of Trustees.

Senators Randall and Holy spoke in favor of passage of the motion.

#### APPOINTMENT OF STEVEN R. HILL

The President declared the question before the Senate to be the confirmation of Steven R. Hill, Senate Gubernatorial Appointment No. 9022, as a member of the Seattle College District Board of Trustees.

The Secretary called the roll on the confirmation of Steven R. Hill, Senate Gubernatorial Appointment No. 9022, as a member of the Seattle College District Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Steven R. Hill, Senate Gubernatorial Appointment No. 9022, having received the constitutional majority was declared confirmed as a member of the Seattle College District Board of Trustees.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5002 with the following amendment(s): 5002 AMH SGOV H2704.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.09.185 and 1995 c 301 s 8 are each amended to read as follows:

State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity. The state auditor must adopt policies as necessary to implement this section.

Sec. 2. RCW 43.09.230 and 2021 c 122 s 6 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year. The state auditor may allow local governments a thirty-day extension for filing annual fiscal reports if the governor has declared an emergency pursuant to RCW 43.06.210.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; and (c) a classified statement of all receipts and expenditures by any public institution ~~(; and (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement;))~~ together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3)(a)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditible. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a)(i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditible.

(ii) If the state treasurer has been notified as provided in (b)(i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special purpose district to the district until the district has had its report certified by the state auditor.

**Sec. 3.** RCW 43.09.420 and 1993 c 216 s 1 are each amended to read as follows:

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. ~~((In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding the funds and accounts audited during the biennium. The first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium.))~~

**Sec. 4.** RCW 43.09.430 and 2005 c 385 s 2 are each amended to read as follows:

For purposes of ~~((RCW 43.09.435 through 43.09.460:~~

(1) "Board" means the citizen advisory board created in RCW 43.09.435.

(2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.

~~(3) "Final performance audit report" means a written document jointly released by the citizen advisory board and the state auditor that includes the findings and comments from the preliminary performance audit report.~~

~~(4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.~~

~~(5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.~~

~~(6) "Preliminary" under this chapter, "preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.~~

~~((7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all offices of executive branch state government elected officials.))~~

**Sec. 5.** RCW 43.09.440 and 2012 c 229 s 817 are each amended to read as follows:

~~((1) The board and the state auditor shall collaborate with the joint legislative audit and review committee regarding performance audits of state government.~~

~~(a) The board shall establish criteria for performance audits consistent with the criteria and standards followed by the joint legislative audit and review committee. This criteria shall include, at a minimum, the auditing standards of the United States government accountability office, as well as legislative mandates and performance objectives established by state agencies and the legislature. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.~~

~~(b) Using the criteria developed in (a) of this subsection, the state auditor shall contract for a statewide performance review to be completed as expeditiously as possible as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews. The purpose of these performance reviews is to identify those agencies, programs, functions, or activities most likely to benefit from performance audits and to identify likely areas warranting early review, taking into account prior performance audits, if any, and prior fiscal audits.~~

~~(c) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, including frontline employees, state managers, chairs and ranking members of appropriate legislative committees, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. When putting together the draft work plan, there should be consideration of all audits and reports already required. On average, audits shall be designed to be completed as expeditiously as possible.~~

~~(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government~~

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.

(e) The state auditor shall contract out for performance audits. In conducting the audits, agency frontline employees and internal auditors should be involved.

(f) All audits must include consideration of reports prepared by other government oversight entities.

(g) The audits may include:

(i) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(ii) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(iii) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(iv) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;

(v) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(vi) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;

(vii) Verification of the reliability and validity of agency performance data, self assessments, and performance measurement systems as required under RCW 43.88.090;

(viii) Identification of potential cost savings in the state agency, its programs, and its services;

(ix) Identification and recognition of best practices;

(x) Evaluation of planning, budgeting, and program evaluation policies and practices;

(xi) Evaluation of personnel systems operation and management;

(xii) Evaluation of state purchasing operations and management policies and practices; and

(xiii) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(h)) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, and the office of financial management (the board, the chairs and ranking members of appropriate legislative committees, and the joint legislative audit and review committee for comment). Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

((i) The board and the state auditor shall jointly release final performance audit reports to the governor, the citizens of Washington, the joint legislative audit and review committee, and the appropriate standing legislative committees. Final performance audit reports shall be posted on the internet.

(j) For institutions of higher education, performance audits shall not duplicate, and where applicable, shall make maximum

use of existing audit records, accreditation reviews, and performance measures required by the office of financial management and nationally or regionally recognized accreditation organizations including accreditation of hospitals licensed under chapter 70.41 RCW and ambulatory care facilities.

(2) The citizen board created under RCW 44.75.030 shall be responsible for performance audits for transportation related agencies as defined under RCW 44.75.020-))

Sec. 6. RCW 43.09.455 and 2005 c 385 s 9 are each amended to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the appropriate elected official may require periodic reports of the action taken by the audited agency until all resolution has occurred.

((The board may request status reports on specific audits or findings-))

Sec. 7. 2012 c 164 s 709 (uncodified) is amended to read as follows:

The state auditor shall conduct ((performance)) audits of the long-term in-home care program after consultation with affected disability and aging stakeholder groups. The first audit must be completed within twelve months after January 7, 2012, and must be completed on a biennial basis thereafter. As part of this auditing process, the state shall hire five additional fraud investigators to ensure that clients receiving services at taxpayers' expense are medically and financially qualified to receive the services and are actually receiving the services. An audit conducted by the state auditor under the authority of RCW 43.09.020 and 43.09.050(2) may satisfy this requirement, provided that a performance audit of the program was completed in the preceding biennium.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) 2005 c 385 s 1 (uncodified);

(2) RCW 43.09.265 (Local government accounting—Review of tax levies of local governments) and 1995 c 301 s 16 & 1979 ex.s. c 218 s 7;

(3) RCW 43.09.435 (Performance audits—Citizen advisory board) and 2005 c 385 s 3;

(4) RCW 43.09.445 (Performance audits—Local jurisdictions) and 2005 c 385 s 6;

(5) RCW 43.09.450 (Performance audits—Audit of performance audit program) and 2005 c 385 s 8;

(6) RCW 43.09.460 (Performance audits—Appropriation—Budget request) and 2005 c 385 s 11; and

(7) RCW 43.88.162 (State auditor's powers and duties—Performance audits) and 2005 c 385 s 7."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Senate Bill No. 5002.

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Senate Bill No. 5002.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5002 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5002, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5245 with the following amendment(s): 5245-S.E AMH PS H2807.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.712 and 2021 c 215 s 160 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~ 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ~~((~~¶~~))~~ a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~ 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ~~((~~¶~~))~~ a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~ 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ~~((~~¶~~))~~ a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.28A RCW to read as follows:

Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs revealing the existence of a notification, or of registration to be notified, regarding any specific individual, or the identity of or any information submitted by a person who registers to be notified of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order pursuant to the statewide city and county jail booking and reporting system created in RCW 36.28A.040, the statewide automated victim information and notification system created in RCW 36.28A.040, or any other program used for the purposes of notifying individuals of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.56 RCW to read as follows:

Information and records related to notification or registration for notification as described in section 2 of this act are exempt from disclosure under this chapter.

**NEW SECTION. Sec. 4.** This act takes effect July 1, 2022." Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5245.

Senators Brown and Wilson, C. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5245.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5245 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5245, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 26, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5376 with the following amendment(s): 5376-S AMH ED H2751.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the office of the education ombuds within the office of the governor was established by the legislature in 2006 to reduce educational opportunity gaps by supporting families, students, educators, and communities in understanding the K-12 school system and resolving concerns collaboratively. The legislature recognizes that it placed the education ombuds within the office of the governor to ensure independence and impartiality.

(2) The legislature further recognizes that the education ombuds provides services including:

(a) Informing students, parents or guardians, employees, and members of the public about the state's public elementary and secondary education system;

(b) Identifying obstacles and recommending strategies to help students and community members to participate effectively in schools;

(c) Identifying and recommending strategies for improving student success;

(d) Referring individuals and families to appropriate resources, agencies, or departments;

(e) Facilitating the resolution of informal complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(f) Serving as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

(3) The legislature intends for public schools to annually notify parents or guardians, students, and school employees about these services.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a link to the website of the office of the education ombuds; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.190 RCW to read as follows:

Institutional education providers must comply with the requirements in section 2(1) of this act, related to provision of information about the office of the education ombuds.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools established under this chapter."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5376.

Senators Wilson, C. and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5376.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5376 by voice vote.

#### MOTION

On motion of Senator Randall, Senator Wellman was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

Excused: Senator Wellman

SUBSTITUTE SENATE BILL NO. 5376, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5528 with the following amendment(s): 5528-S AMH ENTE MUNN 798

On page 2, line 25, after "zone" strike "shall not materially and unreasonably" and insert "may not"

On page 2, line 27, after "plan" insert ", by more than six months. A regional transit authority may not proceed with the construction of any system improvement or improvements financed by an enhanced service zone prior to providing a report regarding the engineering and financing of each such system improvement to the transportation committees of the legislature that confirms that the system improvement will not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan by more than six months"

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5528.

Senator Pedersen spoke in favor of the motion.

Senator King spoke against final passage of the bill.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5528.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5528 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5528, as amended by the House.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hawkins, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Gildon, Hasegawa, Holy, Honeyford, King, McCune, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Rolfes

Excused: Senator Wellman

SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5529 with the following amendment(s): 5529 AMH HCW H2835.1

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 74.39.007 and 1999 c 336 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39.007, 74.39.050, ~~((74.39.060,))~~ 74.39.070, 43.190.060, and section 1, chapter 336, Laws of 1999 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider ~~((under contract or agreement with the department of social and health services))~~ as defined in RCW 74.39A.240, who acts at the direction of an adult person with a functional disability living in his or her own home ((and provides that person with health care services that a person)) to assist with the physical performance of a health care task, as described in RCW 74.39.050, that persons without a functional disability can perform themselves.

**Sec. 2.** RCW 74.39.050 and 1999 c 336 s 3 are each amended to read as follows:

(1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under chapter 336, Laws of 1999:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would

customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This shall not affect the ability of a person who acts as a personal aide by performing self-directed health care tasks to also provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

**Sec. 3.** RCW 74.39.070 and 1999 c 336 s 8 are each amended to read as follows:

A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under chapter 336, Laws of 1999. Nothing in this section exempts an individual provider from being required to become a certified home care aide under chapter 18.88B RCW.

NEW SECTION. **Sec. 4.** RCW 74.39.060 (Personal aide providers—Registration) and 1999 c 336 s 4 are each repealed."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Senate Bill No. 5529.

Senators Cleveland and Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Senate Bill No. 5529.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5529 by voice vote.

## MOTION

On motion of Senator Randall, Senator Rolfes was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5529, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5529, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Rolfes and Wellman

SENATE BILL NO. 5529, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5532 with the following amendment(s): 5532-S2 AMH APP H2925.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Biological product" has the same meaning as in 42 U.S.C. Sec. 262(i)(1).

(3) "Biosimilar" has the same meaning as in 42 U.S.C. Sec. 262(i)(2).

(4) "Board" means the prescription drug affordability board.

(5) "Excess costs" means:

(a) Costs of appropriate utilization of a prescription drug that exceed the therapeutic benefit relative to other alternative treatments; or

(b) Costs of appropriate utilization of a prescription drug that are not sustainable to public and private health care systems over a 10-year time frame.

(6) "Generic drug" has the same meaning as in RCW 69.48.020.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(9) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name, specialty drugs, and biological products.

NEW SECTION. **Sec. 2.** PRESCRIPTION DRUG AFFORDABILITY BOARD. (1) The prescription drug affordability board is established, to include five members who

have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years and members may be reappointed by the governor for additional terms.

(3) No board member or advisory group member may be an employee of, a board member of, or consultant to a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association, except that a representative from the prescription drug industry serving on an advisory group may be an employee, consultant, or board member of a prescription drug manufacturer or related trade association and shall not be deemed to have a conflict of interest pursuant to subsection (4) of this section.

(4)(a) Board members, advisory group members, staff members, and contractors providing services on behalf of the board shall recuse themselves from any board activity in any case in which they have a conflict of interest.

(b) For the purposes of this section, a conflict of interest means an association, including a financial or personal association, that has the potential to bias or appear to bias an individual's decisions in matters related to the board or the activities of the board.

(5) The board shall establish advisory groups consisting of relevant stakeholders, including but not limited to patients and patient advocates for the condition treated by the drug and one member who is a representative of the prescription drug industry, for each drug affordability review conducted by the board pursuant to section 4 of this act. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(6) The authority shall provide administrative support to the board and any advisory group of the board and shall adopt rules governing their operation that shall include how and when the board will use and discuss confidential information that is exempt from public disclosure. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session.

(7) Board members shall be compensated for participation in the work of the board in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board.

(8) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(10) The board may not hold its first meeting until at least one year after the authority publishes its first report on the impact that drug costs, rebates, and other discounts have on health care premiums pursuant to RCW 43.71C.100.

(11) The board must coordinate and collaborate with the authority, other boards, work groups, and commissions related to prescription drug costs and emerging therapies, including but not limited to the health care cost transparency board established in chapter 70.390 RCW, and the universal health care commission established in RCW 41.05.840. All coordination and collaboration by the board pursuant to this subsection must comply with chapter 42.30 RCW, the open public meetings act.

(12) The board may collaborate with prescription drug affordability boards established in other states.

NEW SECTION. **Sec. 3.** AUTHORITY TO REVIEW DRUG PRICES. By June 30, 2023, and annually thereafter, utilizing data collected pursuant to chapter 43.71C RCW, the all-payer health care claims database, or other data deemed relevant by the board, the board must identify prescription drugs that have been on the market for at least seven years, are dispensed at a

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

retail, specialty, or mail-order pharmacy, are not designated by the United States food and drug administration under 21 U.S.C. Sec. 360bb as a drug solely for the treatment of a rare disease or condition, and meet the following thresholds:

- (1) Brand name prescription drugs and biologic products that:
  - (a) Have a wholesale acquisition cost of \$60,000 or more per year or course of treatment lasting less than one year; or
  - (b) Have a price increase of 15 percent or more in any 12-month period or for a course of treatment lasting less than 12 months, or a 50 percent cumulative increase over three years;
- (2) A biosimilar product with an initial wholesale acquisition cost that is not at least 15 percent lower than the reference biological product; and
- (3) Generic drugs with a wholesale acquisition cost of \$100 or more for a 30-day supply or less that has increased in price by 200 percent or more in the preceding 12 months.

**NEW SECTION. Sec. 4. AFFORDABILITY REVIEWS.**

(1) The board may choose to conduct an affordability review of up to 24 prescription drugs per year identified pursuant to section 3 of this act. When deciding whether to conduct a review, the board shall consider:

(a) The class of the prescription drug and whether any therapeutically equivalent prescription drugs are available for sale;

(b) Input from relevant advisory groups established pursuant to section 2 of this act; and

(c) The average patient's out-of-pocket cost for the drug.

(2) For prescription drugs chosen for an affordability review, the board must determine whether the prescription drug has led or will lead to excess costs to patients. The board may examine publicly available information as well as collect confidential and proprietary information from the prescription drug manufacturer and other relevant sources.

(3) A manufacturer must submit all requested information to the board within 30 days of the request.

(4) The authority may assess a fine of up to \$100,000 against a manufacturer for each failure to comply with an information request from the board. The process for the assessment of a fine under this subsection shall be established by the authority in rule and is subject to review under the administrative procedure act, chapter 34.05 RCW. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session.

(5) When conducting a review, the board shall consider:

(a) The relevant factors contributing to the price paid for the prescription drug, including the wholesale acquisition cost, discounts, rebates, or other price concessions;

(b) The average patient copay or other cost sharing for the drug;

(c) The effect of the price on consumers' access to the drug in the state;

(d) Orphan drug status;

(e) The dollar value and accessibility of patient assistance programs offered by the manufacturer for the drug;

(f) The price and availability of therapeutic alternatives;

(g) Input from:

(i) Patients affected by the condition or disease treated by the drug; and

(ii) Individuals with medical or scientific expertise related to the condition or disease treated by the drug;

(h) Any other information the drug manufacturer or other relevant entity chooses to provide;

(i) The impact of pharmacy benefit manager policies on the price consumers pay for the drug; and

(j) Any other relevant factors as determined by the board.

(6) In performing an affordability review of a drug the board may consider the following factors:

(a) Life-cycle management;

(b) The average cost of the drug in the state;

(c) Market competition and context;

(d) Projected revenue;

(e) Off-label usage of the drug; and

(f) Any additional factors identified by the board.

(7) All information collected by the board pursuant to this section is confidential and not subject to public disclosure under chapter 42.56 RCW.

(8) The board shall publicize which prescription drugs are subject to an affordability review before the review begins.

**NEW SECTION. Sec. 5. UPPER PAYMENT LIMITS.**

(1) The authority must adopt rules setting forth a methodology established by the board for setting upper payment limits for prescription drugs the board has determined have led or will lead to excess costs based on its affordability review. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session. Each year, the board may set an upper payment limit for up to 12 prescription drugs.

(2) The methodology must take into consideration:

(a) The cost of administering the drug;

(b) The cost of delivering the drug to patients;

(c) The status of the drug on the drug shortage list published by the United States food and drug administration; and

(d) Other relevant administrative costs related to the production and delivery of the drug.

(3) The methodology determined by the board must not use quality-adjusted life years that take into account a patient's age or severity of illness or disability to identify subpopulations for which a prescription drug would be less cost-effective. For any prescription drug that extends life, the board's analysis of cost-effectiveness may not employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a preexisting disability or chronic health condition of the individuals whom the treatment would benefit.

(4) Before setting an upper payment limit for a drug, the board must post notice of the proposed upper payment limit on the authority's website, including an explanation of the factors considered when setting the proposed limit and instructions to submit written comment. The board must provide 30 days to submit public comment.

(5) The board must monitor the supply of drugs for which it sets an upper payment limit and may suspend that limit if there is a shortage of the drug in the state.

(6) An upper payment limit for a prescription drug established by the board applies to all purchases of the drug by any entity and reimbursements for a claim for the drug by a health carrier, or a health plan offered under chapter 41.05 RCW, when the drug is dispensed or administered to an individual in the state in person, by mail, or by other means.

(7) An employer-sponsored self-funded plan may elect to be subject to the upper payment limits as established by the board.

(8) The board must establish an effective date for each upper payment limit, provided that the upper payment limit may not go into effect until at least 90 days after the next regular legislative session and that the date is at least six months after the adoption of the upper payment limit and applies only to purchases, contracts, and plans that are issued on or renewed after the effective date.

(9) Any entity affected by a decision of the board may request an appeal within 30 days of the board's decision, and the board

must rule on the appeal within 60 days. Board rulings are subject to judicial review pursuant to chapter 34.05 RCW.

(10) For any upper payment limit set by the board, the board must notify the manufacturer of the drug and the manufacturer must inform the board if it is able to make the drug available for sale in the state and include a rationale for its decision. The board must annually report to the relevant committees of the legislature detailing the manufacturers' responses.

(11) The board may reassess the upper payment limit for any drug annually based on current economic factors.

(12) The board may not establish an upper payment limit for any prescription drug before January 1, 2027.

(13)(a) Any individual denied coverage by a health carrier for a prescription drug because the drug was unavailable due to an upper payment limit established by the board, may seek review of the denial pursuant to RCW 48.43.530 and 48.43.535.

(b) If it is determined that the prescription drug should be covered based on medical necessity, the carrier may disregard the upper payment limit and must provide coverage for the drug.

**NEW SECTION. Sec. 6. USE OF SAVINGS.** (1) Any savings generated for a health plan, as defined in RCW 48.43.005, or a health plan offered under chapter 41.05 RCW that are attributable to the establishment of an upper payment limit established by the board must be used to reduce costs to consumers, prioritizing the reduction of out-of-pocket costs for prescription drugs.

(2) By January 1, 2024, the board must establish a formula for calculating savings for the purpose of complying with this section.

(3) By March 1st of the year following the effective date of the first upper payment limit, and annually thereafter, each state agency and health carrier issuing a health plan in the state must submit a report to the board describing the savings in the previous calendar year that were attributable to upper payment limits set by the board and how the savings were used to satisfy the requirements of subsection (1) of this section.

**NEW SECTION. Sec. 7. MANUFACTURER WITHDRAWAL FROM THE MARKET.** (1) Any manufacturer that intends to withdraw a prescription drug from sale or distribution within the state because the board has established an upper payment limit for that drug shall provide a notice of withdrawal in writing indicating the drug will be withdrawn because of the establishment of the upper payment limit at least 180 days before the withdrawal to the office of the insurance commissioner, the authority, and any entity in the state with which the manufacturer has a contract for the sale or distribution of the drug.

(2) If a manufacturer chooses to withdraw the prescription drug from the state, it shall be prohibited from selling that drug in the state for a period of three years.

(3) A manufacturer that has withdrawn a drug from the market may petition the authority, in a form and manner determined by the authority in rule, to reenter the market before the expiration of the three-year ban if it agrees to make the drug available for sale in compliance with the upper payment limit.

(4) The rules adopted under this section may not go into effect until at least 90 days after the next regular legislative session.

**NEW SECTION. Sec. 8.** By December 15, 2022, and annually thereafter, the board shall provide a comprehensive report to the legislature detailing all actions the board has taken in the past year, including any rules adopted by the authority pursuant to this act, establishing any processes, such as the methodology for the upper payment limit, the list of drugs identified in section 3 of this act, the drugs the board completed an affordability review of and any determinations of whether the

drug had led or will lead to excess costs, and the establishment of any upper payment limits.

**NEW SECTION. Sec. 9. RULE MAKING.** The authority may adopt any rules necessary to implement this chapter. The rules adopted under this section may not go into effect until at least 90 days after the next regular legislative session.

**NEW SECTION. Sec. 10.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2024, if the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 12 of this act), establishes an upper payment limit for a prescription drug pursuant to section 5 of this act, a carrier must provide sufficient information, as determined by the commissioner, to indicate that reimbursement for a claim for that prescription drug will not exceed the upper payment limit for the drug established by the board.

(2) The commissioner may adopt any rules necessary to implement this section.

**Sec. 11.** RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) For the purpose of reviewing drug prices and conducting affordability reviews, the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 12 of this act), and the health care cost transparency board, established in chapter 70.390 RCW, may access all data collected pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.

(7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW. Any information provided pursuant to this section must be kept confidential and may not be publicly released. Recipients of data under subsection (6) of this section shall:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Acknowledge that the recipient is responsible for any liability arising from misuse of the data and that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data.

**NEW SECTION. Sec. 12.** Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

**Sec. 13.** RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.--- RCW (the new chapter created in section 12 of this act).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

NEW SECTION. **Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5532.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5532.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5532 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5532, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5532, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Rolfes

SECOND SUBSTITUTE SENATE BILL NO. 5532, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5566 with the following amendment(s): 5566 AMH APP H2924.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.63A.307 and 2009 c 148 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Eligible youth" means an individual who:

(a) On or after September 1, 2006, is at least eighteen, was a dependent of the state under chapter 13.34 RCW at any time ~~((during the four month period))~~ before his or her eighteenth birthday, and has not yet reached the age of ~~((twenty three))~~ 25;

(b) Except as provided in RCW 43.63A.309(2)(a), has a total income from all sources, except for temporary sources that include, but are not limited to, overtime wages, bonuses, or short-term temporary assignments, that does not exceed fifty percent of the area median income;

(c) ~~((Is not receiving services under RCW 74.13.031(10)(b);~~  
~~(d))~~ Complies with other eligibility requirements the department may establish.

(3) "Fair market rent" means the fair market rent in each county of the state, as determined by the United States department of housing and urban development.

(4) "Independent housing" means a housing unit that is not owned by or located within the home of the eligible youth's biological parents or any of the eligible youth's former foster care families or dependency guardians. "Independent housing" may include a unit in a transitional or other supportive housing facility.

(5) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income

individual and funded through periodic contributions by the low-income individual that are matched with contributions by or through the sponsoring organization.

(6) "Subcontractor organization" means an eligible organization described under RCW 43.185A.040 that contracts with the department to administer the independent youth housing program.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5566.

Senator Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Senate Bill No. 5566.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5566 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5566, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5566, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5566, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600 with the following amendment(s): 5600-S2.E AMH APP H2934.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Washington state has maintained a robust registered apprenticeship system that has created tens of thousands of high-skill, high-wage careers in traditional apprenticeship programs that are financially stable and jointly

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

managed to ensure future generations of apprentices for high demand occupations. The earn while you learn apprenticeship model opens opportunities to diverse groups and communities that have not been able to access traditional higher education and traditional apprenticeship programs in the past. The legislature recognizes that the COVID-19 pandemic has also created a significant dislocation and disruption of our workforce that can be repaired in part by reconnecting workers with innovative apprenticeships that lead to new career pathways. The legislature intends to encourage and foster new apprenticeship opportunities through programs sponsored by public and private entities. It is the intent of the legislature that apprenticeship programs seeking state registration receive prompt consideration with minimum delay. To achieve the goals of rebuilding a robust postpandemic workforce and undertaking active efforts to provide equity, diversity, inclusion, and accessibility in apprenticeship programs will take sustained effort and support.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.04 RCW to read as follows:

(1) For any existing active registered apprenticeship programs, or when a new program gains approval, the apprenticeship council must establish an economic or industry sector-based platform.

(2) The economic or industry sector-based platforms may be in the following areas: Building trades, manufacturing and engineering, health care and behavioral health, education and early learning, information and communications technology, biotechnology and life sciences, hospitality, and maritime. Any platform established under this section must have an equal number of employer and employee organization representatives. All platforms established under this section must:

(a) Promote collaboration within their economic or industry sector;

(b) Periodically review the required classroom and on-the-job training standards for apprenticeship programs within their economic or industry sector;

(c) Collaborate with any relevant centers of excellence in RCW 28B.50.902; and

(d) Review applications for new apprenticeship programs in the platform's economic or industry sector and make recommendations on the approval or rejection of the applications, or suggested modifications to the applicant apprenticeship programs, to the apprenticeship council.

(3) The department of labor and industries must assign an industry liaison to support each platform.

(4) The platform must report at least annually to the apprenticeship council on the following within their economic or industry sector:

(a) Participation in existing approved apprenticeship programs;

(b) Progress in developing new apprenticeship programs; and

(c) Any review of required classroom and on-the-job training standards.

(5) The department must consult with the United States department of labor about opportunities for Washington state employers to participate in apprenticeship programs, and to pursue federal grants on behalf of state registered apprentices and apprenticeship programs.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.04 RCW to read as follows:

The governor shall establish a committee of state agency human resources managers to undertake the development of appropriate apprenticeship programs for state agencies. The committee will involve the exclusive collective bargaining representatives and public sector agencies conducting work study programs that enable high school graduates to achieve entry-level

employment and placement in registered apprenticeship programs as potential apprenticeship pathways are considered and developed. The current registered apprenticeship program for industrial insurance at the department of labor and industries shall be consulted as a model for other agencies.

**Sec. 4.** RCW 49.04.050 and 2011 c 308 s 4 are each amended to read as follows:

(1) To be eligible for registration, apprenticeship program standards must conform to the rules adopted under this chapter.

(2) The apprenticeship council must require new apprenticeship programs seeking approval to provide an assessment for future sustainability of the program.

(3) When evaluating applications for new apprenticeship programs, the apprenticeship council must consider whether graduating apprentices will move toward a living wage, the availability of a career ladder to graduating apprentices, or the existence of other nonwage benefits as factors in the approval process.

(4) The apprenticeship council must annually report to the appropriate committees of the legislature a list of apprenticeship programs that have applied for state approval, whether those applicant apprenticeship programs have been approved or not approved, and the reasons for any denials of approval by the apprenticeship council. The apprenticeship council must provide its first report to the legislature by December 15, 2022.

**NEW SECTION. Sec. 5.** A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for technology and remote learning infrastructure modernization of state registered apprenticeships is established.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants. The department of labor and industries must require grant applications to include a plan to sustain the technology and remote learning infrastructure over time.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award one-time grants to state registered apprenticeship programs for modernizing technology and remote learning infrastructure.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

**NEW SECTION. Sec. 6.** A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for wrap-around support services to mitigate barriers to beginning or participating in state registered apprenticeship programs is established. Support services shall include provisions for child care, health care, transportation to job sites, and other support services necessary to mitigate barriers to beginning or participating in state registered apprenticeship programs.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award grants to nonprofit organizations and state registered apprenticeship training committees that support individuals currently in, or seeking to enter, state registered apprenticeship programs or apprenticeship council recognized apprenticeship preparation programs by providing, or connecting apprentices to, wrap-around services, including child care, professional clothing, required tools, or transportation.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for updating equipment in state registered apprenticeship programs is established.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award grants to state registered apprenticeship programs to upgrade equipment necessary for the program.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

NEW SECTION. **Sec. 8.** A new section is added to chapter 49.04 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries must provide vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program.

(2) The department of labor and industries may establish application and award procedures for implementing this section.

(3) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the voucher program established under this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 49.04 RCW to read as follows:

(1) The department of labor and industries must conduct an apprentice retention study of state registered apprentices. The study must collect data from apprentices that are six months into their apprenticeships on the barriers and challenges new apprentices encounter that may prevent them from continuing their apprenticeships.

(2) The department of labor and industries must aggregate the data collected in subsection (1) of this section by trade and post the data on a dashboard on its public website annually.

(3) The department of labor and industries must use the data collected under this section to work with apprenticeship coordinators to implement an early alert response system to connect apprentices with needed support and wrap-around services.

(4) By December 1, 2026, and in compliance with RCW 43.01.036, the department of labor and industries must submit a report to the legislature on its key findings on the barriers and challenges in retaining apprentices and its recommendations.

(5) This section expires December 31, 2027.

NEW SECTION. **Sec. 10.** (1) The department of labor and industries must develop a list of options for incentivizing apprenticeship utilization in the private sector, especially in nontraditional industries or smaller employers that have lower apprenticeship utilization rates. The department must also assess the lack of local apprenticeship programs in rural communities and the logistical burdens, including travel time, apprentices in rural communities encounter when participating in approved apprenticeship programs and develop policy options for alleviating these issues.

(2) By September 30, 2023, and in compliance with RCW 43.01.036, the department of labor and industries must submit a report to the legislature detailing the list of options for incentivizing apprenticeship utilization and the policy option

recommendations addressing apprenticeship issues in rural communities developed in subsection (1) of this section.

(3) This section expires December 31, 2023.

NEW SECTION. **Sec. 11.** (1) By December 1, 2022, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction, in collaboration with career connect Washington, must submit a report to the legislature detailing the requirements and options for, and any barriers to, high schools in this state having a career pathways day once per year for students in their junior year of high school, including any recommendations on necessary legislative actions.

(2) By December 1, 2022, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction, in collaboration with the apprenticeship section of the department of labor and industries, must submit a report to the legislature to identify opportunities and challenges for expansion, enhancement, and sustainability of high quality career and technical education. The report must identify existing state registered preapprenticeship programs and existing high school career and technical education programs that could be eligible to become state registered preapprenticeship programs.

(3) This section expires December 31, 2023.

NEW SECTION. **Sec. 12.** Section 2 of this act takes effect July 1, 2023.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5600.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5600.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5600 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5600, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5600, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.



Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50A.05.010 and 2021 c 232 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; ~~((e))~~

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee;

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

~~((20))~~ (21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

~~((21))~~ (22)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

~~((22))~~ (23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a

health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

~~((23))~~ (24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

~~((24))~~ (25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

~~((25))~~ (26) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

~~((26))~~ (27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

~~((27))~~ (28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

~~((28))~~ (29) "Wage" or "wages" means:

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

**Sec. 2.** RCW 50A.05.090 and 2019 c 13 s 37 are each amended to read as follows:

(1) Nothing in this title requires any party to a collective bargaining agreement in existence on October 19, 2017, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this title unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(2) This section expires December 31, 2023.

**Sec. 3.** RCW 50A.15.020 and 2020 c 125 s 4 are each amended to read as follows:

(1) Beginning January 1, 2020, family and medical leave are available and benefits are payable to a qualified employee under this section.

(a) Following a waiting period consisting of the first seven consecutive calendar days, benefits are payable when family or medical leave is required. However, no waiting period is required for leave for the birth or placement of a child, or for leave because of any qualifying exigency as defined under RCW 50A.05.010(10)(c). The waiting period begins the previous Sunday of the week when an otherwise eligible employee takes leave for the minimum claim duration under subsection (2)(c) of this section. Eligible employees may satisfy the waiting period requirement while simultaneously receiving paid time off for any part of the waiting period.

(b) Benefits may continue during the continuance of the need for family or medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title.

(2) The weekly benefit shall be prorated by the percentage of hours on leave compared to the number of hours provided as the typical workweek hours as defined in RCW 50A.05.010.

(a) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(b) Hours on leave claimed for benefits under this title, if not a multiple of one hour, shall be reduced to the next lower multiple of one hour.

(c) The minimum claim duration payment is for eight consecutive hours of leave.

(3)(a) The maximum duration of paid family leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks.

(b) The maximum duration of paid medical leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks. This leave may be extended an additional two times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(c) An employee is not entitled to paid family and medical leave benefits under this title that exceeds a combined total of sixteen times the typical workweek hours. The combined total of family and medical leave may be extended to eighteen times the

typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(4)(a) Any paid leave benefits under this chapter used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B) must be medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title, unless the employee chooses to use family leave during the postnatal period.

(b) Certification of a serious health condition is not required for paid leave benefits used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B).

(5) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is:

(a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

~~((5))~~ (6)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family or medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

**Sec. 4.** RCW 50A.25.020 and 2019 c 13 s 71 are each amended to read as follows:

(1) Any information or records concerning an individual or employer obtained by the department pursuant to the administration of this title shall be private and confidential, except as otherwise provided in this chapter or RCW 50A.05.040.

(2) This chapter does not create a rule of evidence.

(3) The department must publish, on its website, a current list of all employers that have approved voluntary plans under chapter 50A.30 RCW.

NEW SECTION. **Sec. 5.** A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of actuarial services is established within the department.

(2) The head of the office must be qualified by education and experience in the field of actuarial science.

**Sec. 6.** RCW 50A.15.040 and 2019 c 13 s 6 are each amended to read as follows:

(1) Family and medical leave insurance benefits are payable to an employee during a period in which the employee is unable to perform his or her regular or customary work because he or she is on family and medical leave if the employee:

(a) Files an application for benefits as required by rules adopted by the commissioner;

(b) Has met the eligibility requirements of RCW 50A.15.010 or the elective coverage requirements under RCW 50A.10.010;

(c) Consents to the disclosure of information or records deemed private and confidential under state law. Initial disclosure of this information and these records by another state agency to the department is solely for purposes related to the administration of this title. Further disclosure of this information or these records is

subject to chapter 50A.25 RCW(~~(c)~~) and RCW 50A.05.020(3)(~~c~~) and (~~RCW~~) 50A.20.030;

(d) Provides his or her social security number;

(e) Provides a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition;

(f) Provides the employer from whom family and medical leave is to be taken with written notice of the employee's intention to take family leave in the same manner as an employee is required to provide notice in RCW 50A.15.030 and, in the employee's initial application for benefits, attests that written notice has been provided, unless notice has been waived by the employer under RCW 50A.15.030(3); and

(g) Provides documentation of a military exigency, if requested by the employer.

(2) An employee who is not in employment for an employer at the time of filing an application for benefits is exempt from subsection (1)(f) and (g) of this section.

(3) Beginning July 1, 2022, and until the 12 months after the end of the state of emergency declared by the governor due to COVID-19, the department must ask the employee applicant whether their family or medical leave is related to the COVID-19 pandemic. Initial disclosure of this information is solely for purposes related to the administration of this title, including monitoring potential impacts on the solvency and stability of the family and medical leave insurance account created in RCW 50A.05.070. Further disclosure of this information or these records is subject to chapter 50A.25 RCW and RCW 50A.05.020(3) and 50A.20.030.

**Sec. 7.** RCW 50A.05.050 and 2017 3rd sp.s. c 5 s 86 are each amended to read as follows:

(1) Beginning December 1, 2020, and annually thereafter, the department shall report to the legislature on the entire program, including:

~~((1))~~ (a) Projected and actual program participation;

~~((2))~~ (b) Premium rates;

~~((3))~~ (c) Fund balances;

~~((4))~~ (d) Benefits paid;

~~((5))~~ (e) Demographic information on program participants, including income, gender, race, ethnicity, geographic distribution by county and legislative district, and employment sector;

~~((6))~~ (f) Costs of providing benefits;

~~((7))~~ (g) Elective coverage participation;

~~((8))~~ (h) Voluntary plan participation;

~~((9))~~ (i) Outreach efforts; and

~~((10))~~ (j) Small business assistance.

(2)(a) Beginning January 1, 2023, the office of actuarial services created in section 5 of this act must annually report, by November 1st, to the advisory committee in RCW 50A.05.030 on the experience and financial condition of the family and medical leave insurance account, and the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account in the next four years while limiting fluctuation in premium rates.

(b) For calendar years 2023 through 2028, the annual reports in (a) of this subsection must be submitted to the appropriate committees of the legislature in compliance with RCW 43.01.036.

(3) Beginning October 1, 2023, the department must report quarterly to the advisory committee in RCW 50A.05.030 on premium collections, benefit payments, the family and medical leave insurance account balance, and other program expenditures.

**NEW SECTION. Sec. 8.** A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of financial management must enter into a contract with a public or private entity for actuarial services to provide a report to the appropriate committees of the legislature by October 1, 2022, on the following:

(a) The experience and financial condition of the family and medical leave insurance account created in RCW 50A.05.070;

(b) Any recommendations for options to modify the provisions of chapter 50A.10 RCW to maintain the long-term stability and solvency of the family and medical leave insurance account; and

(c) A comparison of the provisions of RCW 50A.10.030 with similar provisions in those states with both paid medical leave insurance and paid family leave insurance programs.

(2) The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(3) The report in this section must comply with RCW 43.01.036.

(4) This section expires December 31, 2023.

**Sec. 9.** RCW 44.44.040 and 2019 c 363 s 22 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under RCW 41.04.276.

(7) Provide actuarial assistance to the law enforcement officers' and firefighters' plan 2 retirement board as provided in chapter 2, Laws of 2003. Reimbursement for services shall be made to the state actuary under RCW 39.34.130 and section 5(5), chapter 2, Laws of 2003.

(8) Provide actuarial assistance to the committee on advanced tuition payment pursuant to chapter 28B.95 RCW, including recommending a tuition unit price to the committee on advanced tuition payment to be used in the ensuing enrollment period. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(9) Provide actuarial assistance to the long-term services and supports trust commission pursuant to chapter 50B.04 RCW. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(10) Provide actuarial assistance, as requested by the employment security department or the office of financial management, to the employment security department related to the family and medical leave program in Title 50A RCW.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

**Sec. 10.** RCW 50A.25.070 and 2020 c 125 s 8 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law or for the actuarial services created under this act;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; ~~(and)~~

(j) To the consolidated technology services agency for the purpose of enterprise technology support;

(k) To the office of the state actuary for the purpose of performing actuarial services to assess the financial stability and solvency of the family and medical leave program, and specifically the family and medical leave insurance account created in RCW 50A.05.070; and

(l) To the joint legislative audit and review committee, in accordance with RCW 44.28.110, for the purpose of conducting performance audits.

**NEW SECTION. Sec. 11.** (1)(a) A legislative task force on paid family and medical leave insurance premiums is established, with members as provided in this subsection.

(i) The president of the senate must appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The voting members of the advisory committee in RCW 50A.05.030.

(iv) The governor shall appoint two members, one representing the governor's office and one representing the employment security department.

(b) The task force must choose its cochairs from among its legislative membership described in (a)(i) and (ii) of this subsection.

(2) The task force must review the reports submitted under RCW 50A.05.050 and make recommendations for any legislative modifications to the provisions of chapter 50A.10 RCW to ensure the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account created in RCW 50A.05.070 in the next four years while limiting fluctuation in family and medical leave insurance premium rates.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the committee must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall issue a final report on its findings and recommendations to the governor and the appropriate committees of the legislature by December 30, 2022.

(7) This section expires January 4, 2023.

**NEW SECTION. Sec. 12.** (1) By October 1, 2024, the joint legislative audit and review committee, in consultation with the employment security department and the advisory committee in RCW 50A.05.030, must conduct a performance audit analyzing the implementation of the paid family and medical leave insurance program. The analysis must include, at a minimum, the following components:

(a) Evaluate the extent to which the department makes fair and timely decisions, and communicates with employers and workers in a timely, responsive, and accurate manner;

(b) Determine if current organization and service delivery models are the most efficient available;

(c) Determine whether current initiatives improve service delivery, meet the needs of current and future workers, and are measurable;

(d) Evaluate whether the department prepares financial information for the account under RCW 50A.05.070 in accordance with generally accepted accounting principles;

(e) Evaluate the solvency of the account under RCW 50A.05.070 taking into account insurance risks and standard accounting principles; and

(f) Make recommendations regarding administrative changes that should be made to improve efficiency while maintaining quality service to help address system costs and identify any needed legislative changes to implement these recommendations.

(2) The joint legislative audit and review committee may contract with an outside consulting firm with expertise in insurance or social insurance and insurance principles.

(3) The joint legislative audit and review committee must submit a final report on their findings to the appropriate committees of the legislature by October 1, 2024, and must submit a progress report by October 1, 2023.

(4) This section expires December 31, 2025.

**NEW SECTION. Sec. 13.** Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5649.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5649.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5649 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5649, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5649, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, McCune, Padden, Schoesler, Short and Wagoner

SECOND SUBSTITUTE SENATE BILL NO. 5649, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5657 with the following amendment(s): 5657 AMH ED H2862.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature recognizes the benefit of computer science and computational thinking in education, not only with respect to educational development, but also in cultivating the skills needed to compete and excel in our state's career landscape. The legislature also recognizes the heightened importance of providing access to computer science

education to youth in secure facilities, where access to innovative and engaging learning experiences can: (1) Build in-demand skills to prepare students for future employment; (2) help students transition back to their communities following incarceration; and (3) prevent recidivism. However, the legislature understands that state long-term juvenile institutions have unique environmental and facility limitations that affect the ability to deliver some components of computer science instruction in a secure manner. Therefore, the legislature intends to require school districts that operate institutional education programs in state long-term juvenile institutions to provide access to computer science courses, while allowing the flexibility to adjust curriculum and instructional activities when necessary.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) Subject to the availability and sufficiency of amounts appropriated for this specific purpose in addition to the amounts appropriated through the institutional education funding formulas specified in the omnibus appropriations act, and subject to staffing availability, each school district operating an institutional education program for youth in state long-term juvenile institutions must provide an opportunity to access an elective computer science course in accordance with RCW 28A.230.300(1).

(2) If, due to facility or technology security limitations, a school district cannot provide a computer science course that is fully aligned with all state computer science learning standards, the school district must adapt the course curriculum and instructional activities to align with as many state computer science learning standards as possible.

(3) Each school district operating an institutional education program for youth in state long-term juvenile institutions must annually report the following information to the office of the superintendent of public instruction:

(a) Data indicating the number of students who enrolled in a computer science course in the prior school year, disaggregated by gender, race, ethnicity, and age;

(b) A brief description of each computer science course and whether the course is fully aligned to state computer science learning standards; and

(c) A brief description of any facility or technology security limitations that prevent the school district from offering a course fully aligned with state computer science learning standards, and the actions the district is taking to address those limitations.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Senate Bill No. 5657.

Senators Wellman and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Senate Bill No. 5657.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5657 by voice vote.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5657, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5657, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5657, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5664 with the following amendment(s): 5664-S2 AMH DAVI H2946.3

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 10.77.010 and 2021 c 263 s 9 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(13) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(17) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(18) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(19) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; ~~(or)~~

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(25) "Authority" means the Washington state health care authority.

**Sec. 2.** RCW 10.77.060 and 2021 c 263 s 5 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate

evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

**Sec. 3.** RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1)(a) ~~The legislature establishes ((the following)) a performance ((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants-)) target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized;~~

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases ((without compromise to the quality of competency evaluation and restoration services)), but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency ((evaluations and restorations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:

(i) ~~For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetency to proceed or stand trial:~~

(A) ~~A performance target of seven days or less; and~~

(B) ~~A maximum time limit of fourteen days;~~

~~(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days;~~

~~(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days, plus an additional seven-day extension if needed for clinical reasons to complete the evaluation at the determination of the department;~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty-one days or less) services.~~

~~((b) The time periods measured in these performance targets and maximum time limits shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. The maximum time limits in (a) of this subsection shall be phased in over a one-year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e)) (4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in ((a) of this) subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:~~

~~((+)) (a) Despite a timely request, the department has not received necessary medical ((clearance)) information regarding the current medical status of a defendant ((in pretrial custody for the purposes of admission to a state hospital));~~

~~((+)) (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ((proceed or)) stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department(((-Completion of a competency evaluation)), provided that completion shall not be postponed for procurement of ((mental health, substance use disorder, or medical history)) information which is merely supplementary ((to the competency determination));~~

~~((+)) (c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;~~

~~(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;~~

~~(e) Completion of the referral ((is frustrated by lack of)) requires additional time to accommodate the availability or participation ((by) of counsel, ((jail or)) court personnel, interpreters, or the defendant;~~

~~((iv) The department does not have access to appropriate private space to conduct a competency evaluation for a defendant in pretrial custody;~~

~~(v)) (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or~~

~~((+)) (g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration~~

services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

~~((2))~~ (5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ~~((#))~~ under subsection (1) or (2) of this section ~~((after full implementation of the performance target or maximum time limit))~~, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report ~~((must))~~ shall be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4) Beginning December 1, 2013, the)~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ~~((proceed or))~~ stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ~~((evaluations or admission for inpatient restoration))~~ to stand trial services ~~((related to competency to proceed or stand trial))~~, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 4.** RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

(1)~~((a)(i))~~ If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than ~~((ninety))~~ 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((H))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~  
~~((H))~~ (ii) Abstain from alcohol and unprescribed drugs; and  
~~((H))~~ (iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

~~((C))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((D))~~ (d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ~~((department shall remove the defendant from the outpatient restoration program and place the defendant instead))~~ director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~((E))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((ii))~~ The ninety day period for competency restoration under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

~~((b))~~ (2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period ~~((of commitment for competency restoration))~~ is ~~((forty five))~~ 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days. ~~((The forty five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~((e))~~ (3) If the court determines or the parties agree before the initial competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((4))~~ (5) of this section.

~~((2))~~ (4) On or before expiration of the initial competency restoration period ~~((of commitment under subsection (1) of this section))~~ the court shall conduct a hearing ~~((, at which it shall))~~ to determine whether ~~((or not))~~ the defendant is ~~((incompetent. (3))~~ now competent to stand trial. If the court finds by a preponderance of the evidence that ~~((a))~~ the defendant (charged with a felony) is incompetent to stand trial, the court ~~((shall have the option of extending the))~~ may order (of commitment or alternative treatment) an extension of the competency restoration period for an additional period of ~~((ninety))~~ 90 days, but the court must at the same time ~~((of extension))~~ set a date for a ~~((prompt))~~ new hearing to determine the defendant's competency to stand trial before the expiration of ~~((the))~~ this second restoration period. The defendant, the defendant's attorney, ~~((or))~~ and the prosecutor ~~((has))~~ have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period ~~((as provided in subsection (4) of this section))~~ if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. ~~((The ninety day period includes~~

~~only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(4) For persons charged with a felony, at)~~

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period ~~((in the case of a))~~ if the defendant (with a developmental disability) is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent ~~((, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed))~~ to stand trial, the court shall dismiss the charges without prejudice ~~((;))~~ and ~~((the court shall))~~ order the defendant to be committed to a state hospital ~~((as defined in RCW 72.23.010))~~ for up to ~~((seventy two))~~ 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((The criminal charges))~~ However, the court shall not (be dismissed) dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. ~~((In the event that))~~ If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. ~~((The six month))~~

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 5.** RCW 10.77.088 and 2020 c 18 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days ~~((to determine whether to enter an order of competency restoration))~~.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether ~~((or not))~~ competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order (competency restoration) in accordance with subsection (2) ~~((a))~~ of this section.

~~(2) ((a))~~ If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient

competency restoration ~~(-Based)~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties ~~(, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration)~~.

~~((+))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~(and~~

~~(B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

~~(iii)~~ (iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((+))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under ~~((b))~~ subsection (3) of this ~~((subsection))~~ section.

~~((+))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~(and)~~. The court may order regular urinalysis testing (for defendants who have a current substance use disorder diagnosis). The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((+))~~ (d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ~~((department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead))~~ director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration (for no longer than twenty-nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility). The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility,

emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the (change in placement) defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the (placement and) conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. (The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

~~((+))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((b))~~ (3) The placement under ((+)) subsection (2) of this ((subsection)) section shall not exceed ((twenty-nine)) 29 days if the defendant is ordered to receive inpatient competency restoration, ((or)) and shall not exceed ((ninety)) 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection (, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility), but the total period of inpatient competency restoration may not exceed 29 days.

~~((e))~~ (4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in ((+)) subsection (5) of this ((subsection)) section.

~~((+))~~ (5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

~~((+))~~ (b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to ((seventy-two)) 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The ((seventy-two)) 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the ((seventy-two)) 120-hour or 72-hour period.

~~((3))~~ (6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least (~~twenty-four~~) 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((4))~~ (7) If at any time the court dismisses charges under subsections (1) through ~~((3))~~ (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

**Sec. 6.** RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~(The)~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

**NEW SECTION. Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

**NEW SECTION. Sec. 8.** A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, and shall make the report public, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient

competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5664.

Senators Dhingra and Wagoner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5664.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5664 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5664, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5664, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5664, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5687 with the following amendment(s): 5687 AMH FEYJ HAJE 368

On page 4, beginning on line 29, strike all of sections 4, 5, 6, and 7

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5687.

Senator Wilson, C. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Senate Bill No. 5687.

The motion by Senator Wilson, C. carried, and the Senate concurred in the House amendment(s) to Senate Bill No. 5687 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5687, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5687, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5687, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5695 with the following amendment(s): 5695-S2 AMH APP H2939.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This act may be known and cited as the drug free prisons act.

**NEW SECTION. Sec. 2.** The legislature recognizes that the department of corrections is responsible for enhancing public safety through the operation of safe and secure facilities. The legislature recognizes that safe and secure facilities improve safety and well-being for those experiencing incarceration, departmental employees, visitors, and volunteers. The legislature recognizes that one of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband, including but not limited to alcohol and drugs. The legislature recognizes that undiagnosed, untreated, or unaddressed substance use disorder can lead to increased rates of recidivism. Therefore, the legislature intends to protect human dignity by reducing or eliminating strip searches, and to increase public safety by reducing access to drugs and alcohol in correctional facilities and to increase substance use disorder diagnosis, treatment, and services.

**NEW SECTION. Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall establish a comprehensive body scanner program at the Washington corrections center for women

and at a state correctional facility serving male incarcerated individuals as part of an expanded pilot program to create drug-free state correctional facilities. The scanner must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

(b) The department shall develop policies and procedures necessary to establish a comprehensive body scanner program that shall be utilized to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility participating in the pilot program under this section. Alternative search methods shall be used for persons who are minors, individuals who are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who may meet the maximum allowable monthly or annual radiation dosage limit specified by the department of health.

(2) The department shall provide appropriate custody and nursing staff levels for body scanners installed at a state correctional facility under this section. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband.

(a) An incarcerated individual with a body scan indicating the presence of substance-related contraband shall undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. The department shall prioritize substance use disorder treatment services for incarcerated individuals with cognitive, behavioral, and physiological symptoms indicating the incarcerated individual is experiencing a substance use disorder. The department shall distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

(b) A department employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband shall be disciplined in accordance with department policies.

(3) The department shall provide appropriate radiation safety and body scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may be permitted to operate the body scanner and review body scans. The department shall develop policies, in consultation and collaboration with the department of health, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the full body scanners to create drug-free correctional facilities. The department shall develop a method to track and maintain records on the frequency of body scans conducted on any individual subject to the comprehensive body scanner program to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by the department of health.

(4) The secretary shall adopt any rules and policies necessary to implement the requirements of this section.

(5) By December 1st each year, and in compliance with RCW 43.01.036, the department shall submit a report to the governor and the legislature on:

(a) The number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;

(b) The types of contraband detected by the body scanner;

(c) The number of confiscated substances in the prior five years;

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(d) The number of incarcerated individuals with positive body scans for substance-related contraband in the prior year who were assessed for substance use disorder and received substance use disorder treatment services while incarcerated; and

(e) The number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

(6) For the purposes of this section:

(a) "Contraband" has the meaning as in RCW 9A.76.010;

(b) "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband; and

(c) "Substance use disorder treatment services" means services licensed by the department of health or provided as part of a substance use disorder treatment program that has been approved by the department of health.

(7) This section expires June 30, 2024.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5695.

Senators Dhingra and Gildon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5695.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5695 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5695, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5695, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5695, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702 with the following amendment(s): 5702-S2.E AMH HCW H2824.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For group health plans other than small group health plans issued or renewed on or after January 1, 2023, a health carrier shall provide coverage for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

(a) An infant birth weight of below 2,500 grams;

(b) An infant gestational age equal to or less than 34 weeks;

(c) Infant hypoglycemia;

(d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;

(e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;

(f) Congenital heart disease requiring surgery in the first year of life;

(g) An organ or bone marrow transplant;

(h) Sepsis;

(i) Congenital hypotonias associated with feeding difficulty or malabsorption;

(j) Renal disease requiring dialysis in the first year of life;

(k) Craniofacial anomalies;

(l) An immunologic deficiency;

(m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

(4) The commissioner may adopt any rules necessary to implement this section.

**Sec. 2.** RCW 48.43.715 and 2019 c 33 s 9 are each amended to read as follows:

(1) The commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten essential health benefits categories, the commissioner, in

consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ten essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or Medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Upon authorization by the legislature to modify the state's essential health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the commissioner shall include coverage for donor human milk in the updated plan.

**Sec. 3.** RCW 41.05.017 and 2021 c 280 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, section 1 of this act, and chapter 48.49 RCW.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide coverage under this chapter for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

- (a) An infant birth weight of below 2,500 grams;
- (b) An infant gestational age equal to or less than 34 weeks;

(c) Infant hypoglycemia;

(d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;

(e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;

(f) Congenital heart disease requiring surgery in the first year of life;

(g) An organ or bone marrow transplant;

(h) Sepsis;

(i) Congenital hypotonias associated with feeding difficulty or malabsorption;

(j) Renal disease requiring dialysis in the first year of life;

(k) Craniofacial anomalies;

(l) An immunologic deficiency;

(m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) The authority may require an enrollee to obtain expedited prior authorization to receive coverage for donor human milk as required under this section.

(4) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

(5) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

The department shall adopt standards for ensuring milk bank safety. The standards adopted by the department must, at a minimum, consider the clinical, evidence-based guidelines established by a national accrediting organization. The standards must address donor screening, milk handling and processing, and recordkeeping. The department shall also review and consider requiring additional testing standards, including but not limited to testing for the presence of viruses, bacteria, and prescription and nonprescription drugs in donated milk."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Trudeau moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5702.

Senators Trudeau and Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Trudeau that the Senate concur in the House

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

amendment(s) to Engrossed Second Substitute Senate Bill No. 5702.

The motion by Senator Trudeau carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5702 by voice vote.

## MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5702, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5713 with the following amendment(s): 5713 AMH FIN H2851.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . ., Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to financially incentivize the formation and utilization of limited equity cooperatives, and to increase the availability of housing available to low-income households. It is the legislature's intent to exempt from taxation any real property owned by a limited equity cooperative when a majority of the property is used and occupied by low-income households.

(4)(a) To measure the effectiveness of the tax preference provided in section 2 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two

years prior to the expiration of the tax preference: (i) Growth in the formation and utilization of limited equity cooperatives; (ii) growth in available units of affordable housing within limited equity cooperatives; and (iii) any other metric the joint legislative audit and review committee determines is relevant to measuring success of this exemption.

(b) If the review by the joint legislative audit and review committee finds that growth in the formation and utilization of limited equity cooperatives or growth in available units of affordable housing within limited equity cooperatives has occurred, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements for a limited equity cooperative claiming this tax preference; and

(c) Any other data necessary for the evaluation under subsection (4) of this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 84.36 RCW to read as follows:

(1) The real property owned by a limited equity cooperative that provides owned housing for low-income households is exempt from property taxation if:

(a) The benefit of the exemption inures to the limited equity cooperative and its members;

(b) At least 85 percent of the occupied dwelling units in the limited equity cooperative is occupied by members of the limited equity cooperative determined as of January 1st of each assessment year for which the exemption is claimed;

(c) At least 95 percent of the property for which the exemption is sought is used for dwelling units or other noncommercial uses available for use by the members of the limited equity cooperative; and

(d) The housing was insured, financed, or assisted, in whole or in part, through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal or state housing program administered by the federal department of housing and urban development;

(iii) A federal housing program administered by a city or county government;

(iv) An affordable housing levy authorized under RCW 84.52.105;

(v) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(vi) The Washington state housing finance commission.

(2) If less than 100 percent of the dwelling units within the limited equity cooperative is occupied by low-income households, the limited equity cooperative is eligible for a partial exemption on the real property. The amount of exemption must be calculated by multiplying the assessed value of the property owned by the limited equity cooperative by a fraction. The numerator of the fraction is the number of dwelling units occupied by low-income households as of January 1st of each assessment year for which the exemption is claimed, and the denominator of the fraction is the total number of dwelling units as of such date.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Cooperative" has the meaning provided in RCW 64.90.010.

(b)(i) "Limited equity cooperative" means a cooperative subject to the Washington uniform common interest ownership act under chapter 64.90 RCW that owns the real property for which an exemption is sought under this section and for which, following the completion of the development or redevelopment of such real property:

(A) Members are prevented from selling their ownership interests other than to a median-income household; and

(B) Members are prevented from selling their ownership interests for a sales price that exceeds the sum of:

(I) The sales price they paid for their ownership interest;

(II) The cost of permanent improvements they made to the dwelling unit during their ownership;

(III) Any special assessments they paid to the limited equity cooperative during their ownership to the extent utilized to make permanent improvements to the building or buildings in which the dwelling units are located; and

(IV) A three percent annual noncompounded return on the above amounts.

(ii) For the purposes of this subsection (3)(b), "sales price" is the total consideration paid or contracted to be paid to the seller or to another for the seller's benefit.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is at or below 80 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a low-income household.

(d) "Median-income household" means a single person, family, or unrelated persons living together whose income is at or below 100 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a median-income household.

(e) "Members" of a limited equity cooperative means individuals or entities that have an ownership interest in the limited equity cooperative that entitles them to occupy and sell a dwelling unit in the limited equity cooperative.

**Sec. 3.** RCW 84.36.800 and 1998 c 311 s 24 are each amended to read as follows:

As used in this chapter:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergy or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4)(a) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or

compensation of like positions within the public services of the state;

(b) "Nonprofit" also means a limited equity cooperative as defined in section 2 of this act;

(5) "Parsonage" means a residence occupied by a member of the clergy who has been designated for a particular congregation and who holds regular services therefor.

**Sec. 4.** RCW 84.36.805 and 2016 c 217 s 3 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose. Notwithstanding anything to the contrary in this section:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising events does not subject the property to tax if the fund-raising events are consistent with the purposes for which the exemption is granted or are conducted by a nonprofit organization. If the property is loaned or rented to conduct a fund-raising event, the requirements of (a) of this subsection (2) apply;

(c) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted does not subject the property to tax, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller does not qualify for exempt status. This subsection does not apply to ~~(property)~~;

(a) Limited equity cooperatives as defined in section 2 of this act; or

(b) Property sold to a nonprofit entity, as defined in RCW 84.36.560~~((7))~~, by:

~~((a))~~ (i) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

~~((b))~~ (ii) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

~~((c))~~ (iii) A housing authority created under RCW 35.82.030; ~~((d))~~ (iv) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

~~((e))~~ (v) A housing authority established under RCW 35.82.300.

(6) The department must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, 84.36.049, and 84.36.480(2).

(8)(a) The use of property exempt under this chapter, other than as specifically authorized by this chapter, nullifies the exemption otherwise available for the property for the assessment year. However, the exemption is not nullified by the use of the property by any individual, group, or entity, where such use is not otherwise authorized by this chapter, for not more than ~~((fifty))~~ 50 days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than ~~((fifteen))~~ 15 of the ~~((fifty))~~ 50 days in each calendar year. The ~~((fifty))~~ 50 and ~~((fifteen))~~ 15-day limitations provided in this subsection (8)(a) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (8)(a).

(b) If uses of the exempt property exceed the ~~((fifty))~~ 50 and ~~((fifteen))~~ 15-day limitations provided in (a) of this subsection (8) during an assessment year, the exemption is removed for the affected portion of the property for that assessment year.

**Sec. 5.** RCW 84.36.810 and 2006 c 305 s 4 are each amended to read as follows:

(1)(a) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, 84.36.560, 84.36.570, section 2 of this act, and 84.36.650, except as provided in (b) of this subsection, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. If the property has been granted an exemption for more than ~~((ten))~~ 10 consecutive years, taxes and interest shall not be assessed under this section.

(b) Upon cessation of use by an institution of higher education of property exempt under RCW 84.36.050(2) the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of the exemption, whichever is less.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when ~~((fifty-one))~~ 51 percent or more of the area of the property loses its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under this chapter;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on leased property that had been exempt under this chapter;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt; or

(h) Transfer to an agency of the state of Washington or the city or county within which the property is located.

(3) Subsection (2)(e) and (f) of this section ~~((does))~~ does not apply to property leased to a state institution of higher education and exempt under RCW 84.36.050(2).

**Sec. 6.** RCW 84.36.815 and 2020 c 273 s 2 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in RCW 84.36.049 is July 1st for 2016 and March 31st for 2017 and thereafter. All applications must be filed on forms prescribed by the department and must be signed by an authorized agent of the applicant.

(2)(a) In order to requalify for exempt status, all applicants except nonprofit cemeteries and nonprofits receiving the exemption under RCW 84.36.049 and nonprofits receiving the exemptions under RCW 84.36.560 or section 2 of this act must file an annual renewal declaration on or before March 31st each year. The renewal declaration must be on forms prescribed by the department of revenue and must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal declaration to assist the department in determining whether the property tax exemption should continue.

(b) In order to requalify for exempt status, nonprofits receiving the exemptions under RCW 84.36.560 or section 2 of this act must file a renewal declaration on or before March 31st of every third year following initial qualification for the exemption. Except for the annual renewal requirement, all other requirements of (a) of this subsection apply.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the ~~((sixty))~~ 60-day period, a late filing penalty is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preferences provided in RCW 84.36.049 and section 2 of this act with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preferences provided in RCW 84.36.049 and section 2 of this act.

**NEW SECTION. Sec. 7.** This act applies to taxes levied for collection in 2023 through 2032.

**NEW SECTION. Sec. 8.** Sections 2 through 6 of this act expire January 1, 2033."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Das moved that the Senate concur in the House amendment(s) to Senate Bill No. 5713.

Senators Das and Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Das that the Senate concur in the House amendment(s) to Senate Bill No. 5713.

The motion by Senator Das carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5713 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5713, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5713, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Short, Warnick and Wilson, L.

SENATE BILL NO. 5713, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Billig, pursuant to Senate Emergency Rule I, the Committee on Rules was relieved of further consideration of the following measures and the measures were placed on the day's second reading calendar:

SUBSTITUTE HOUSE BILL NO. 1530,  
HOUSE BILL NO. 2024,  
and SENATE BILL NO. 5778.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5720 with the following amendment(s): 5720-S2 AMH APP H2930.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the financial education public-private partnership shall establish a grant program to provide assistance to school districts for the purpose of integrating financial literacy education into professional development for certificated staff.

(2) Grants provided under this section shall be made available for the 2023-24, 2024-25, and 2025-26 school years, and shall be funded at the amount of \$7.50 per enrolled student in the school district, as determined by the annual average full-time equivalent student enrollment reported to the office of the superintendent of public instruction. A school district that receives a grant under this section may only receive a grant for one school year and is prohibited from receiving a grant in subsequent grant cycles.

(3) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee integrate financial literacy education into at least seven hours of its current in-person professional development schedule over the course of the entire school year for which the school district receives the grant.

(4) Additional activities permitted for the use of these grants include, but are not limited to:

(a) Coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies;

(b) Sharing successful practices across a group of school districts; and

(c) Facilitating coordination between educational service districts and school districts to provide training.

(5) The office of the superintendent of public instruction, in coordination with the financial education public-private partnership, may adopt rules for the effective implementation of this section.

(6) This section expires August 1, 2026.

**Sec. 2.** RCW 28A.300.460 and 2015 c 211 s 2 are each amended to read as follows:

(1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial education shall include the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials and resources, and school-wide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may

FIFTY SEVENTH DAY, MARCH 7, 2022

integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; ~~(and)~~

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education; and

(i) Administer grant programs including, but not limited to, the program established in section 1 of this act or related programs established in the omnibus operating appropriations act.

(3) In addition to the duties in subsection (2) of this section and subject to the availability of amounts appropriated for this specific purpose, the partnership may perform other tasks in support of financial literacy, including, but not limited to:

(a) Hiring support staff;

(b) Contracting with educational service districts;

(c) Facilitating the creation and implementation of professional development for certificated educational staff relating to financial literacy and education, in particular the professional development utilized as part of the grant program created in section 1 of this act;

(d) Working to facilitate, and confirm receipt of, specific outreach for financial literacy training to foster students and homeless youth, students receiving special education services, and tribal communities; and

(e) Coordinating with providers in the early childhood education and assistance program established under chapter 43.216 RCW for the purpose of providing a curriculum on financial literacy that can be shared with the parents or legal guardians of participants in the early childhood education and assistance program.

(4) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Each school district, by March 1, 2023, shall adopt one or more goals for expanding financial education instruction to students in their district. Examples of goals that school districts may adopt include:

(a) Increasing the number of financial education courses available to students in grades nine through 12;

(b) Increasing the number of grades, schools, or both that provide students with instruction in, or access to instruction in, financial education; and

(c) Expanding the amount financial education professional development training available to certificated staff.

(2) The financial education public-private partnership, by September 1, 2022, shall develop a nonexhaustive menu of model goals that school districts may consider when complying with this section. The model goals must be published on the website of the office of the superintendent of public instruction by September 10, 2022.

(3) Subsection (1) of this section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established

under chapter 28A.715 RCW to the same extent as it applies to school districts.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5720.

Senators Mullet and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5720.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5720 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5720, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5729 with the following amendment(s): 5729-S AMH ENGR H2861.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08.080 and 1998 c 79 s 15 are each amended to read as follows:

(1)(a) A public assistance applicant or recipient who is aggrieved by a decision of the department or an authorized agency of the department has the right to an adjudicative proceeding. A current or former recipient who is aggrieved by a department claim that he or she owes a debt for an overpayment of assistance or food stamps or food stamp benefits transferred electronically, or both, has the right to an adjudicative proceeding.

(b) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the department's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

(2) The adjudicative proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, and this subsection.

(a) The applicant or recipient must file the application for an adjudicative proceeding with the secretary within ~~((ninety))~~ 90 days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law.

(i) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(ii) The department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(b) The hearing shall be conducted at the local community services office or other location in Washington convenient to the appellant.

(c) The appellant or his or her representative has the right to inspect his or her department file and, upon request, to receive copies of department documents relevant to the proceedings free of charge.

(d) The appellant has the right to a copy of the tape recording of the hearing free of charge.

(e) The department is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th day after the secretary's receipt of the application for an adjudicative proceeding.

(f) If the final adjudicative order is made in favor of the appellant, assistance shall be paid from the date of denial of the application for assistance or ~~((thirty))~~ 30 days following the date of application for temporary assistance for needy families or ~~((forty-five))~~ 45 days after date of application for all other programs, whichever is sooner; or in the case of a recipient, from the effective date of the local community services office decision.

(g) This subsection applies only to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical assistance or the limited casualty program for the medically needy and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the department to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical assistance or the limited casualty program for the medically needy. If the prevailing party in the adjudicative proceeding is the applicant or recipient, he or she is entitled to reasonable attorney's fees.

(3) When a person files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered in a public assistance program, no filing fee shall be collected from the person and no bond shall be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application for assistance or ~~((thirty))~~ 30 days after the application for temporary assistance for needy families or ~~((forty-five))~~ 45 days following the date of application, whichever is sooner; or in the case of a

recipient, from the effective date of the local community services office decision.

**Sec. 2.** RCW 74.09.741 and 2011 1st sp.s. c 15 s 53 are each amended to read as follows:

(1) The following persons have the right to an adjudicative proceeding:

(a) Any applicant or recipient who is aggrieved by a decision of the authority or an authorized agency of the authority; or

(b) A current or former recipient who is aggrieved by the authority's claim that he or she owes a debt for overpayment of assistance.

(2) For purposes of this section:

(a) "Applicant" means any person who has made a request, or on behalf of whom a request has been made to the authority for any medical services program established under this chapter ((74.09 RCW)).

(b) "Recipient" means a person who is receiving benefits from the authority for any medical services program established in this chapter.

(3) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the authority's decision is a federal or state law requiring an assistance adjustment for a class of applicants or recipients.

(4) An applicant or recipient may file an application for an adjudicative proceeding with either the authority or the department and must do so within ~~((ninety))~~ 90 calendar days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law. The authority shall determine which agency is responsible for representing the state of Washington in the hearing, in accordance with agreements entered pursuant to RCW 41.05.021.

(a) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(b) The authority or the department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(5)(a) The adjudicative proceeding is governed by the administrative procedure act, chapter 34.05 RCW, and this subsection. The following requirements shall apply to adjudicative proceedings in which an appellant seeks review of decisions made by more than one agency. When an appellant files a single application for an adjudicative proceeding seeking review of decisions by more than one agency, this review shall be conducted initially in one adjudicative proceeding. The presiding officer may sever the proceeding into multiple proceedings on the motion of any of the parties, when:

(i) All parties consent to the severance; or

(ii) Either party requests severance without another party's consent, and the presiding officer finds there is good cause for severing the matter and that the proposed severance is not likely to prejudice the rights of an appellant who is a party to any of the severed proceedings.

(b) If there are multiple adjudicative proceedings involving common issues or parties where there is one appellant and both the authority and the department are parties, upon motion of any party or upon his or her own motion, the presiding officer may consolidate the proceedings if he or she finds that the consolidation is not likely to prejudice the rights of the appellant who is a party to any of the consolidated proceedings.

(c) The adjudicative proceeding shall be conducted at the local community services office or other location in Washington

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

convenient to the applicant or recipient and, upon agreement by the applicant or recipient, may be conducted telephonically.

(d) The applicant or recipient, or his or her representative, has the right to inspect his or her file from the authority and, upon request, to receive copies of authority documents relevant to the proceedings free of charge.

(e) The applicant or recipient has the right to a copy of the audio recording of the adjudicative proceeding free of charge.

(f) If a final adjudicative order is issued in favor of an applicant, medical services benefits must be provided from the date of earliest eligibility, the date of denial of the application for assistance, or ~~((forty five))~~ 45 days following the date of application, whichever is soonest. If a final adjudicative order is issued in favor of a recipient, medical services benefits must be provided from the effective date of the authority's decision.

(g) The authority is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th day after the director's receipt of the application for an adjudicative proceeding.

(6) If the director requires that a party seek administrative review of an initial order to an adjudicative proceeding governed by this section, in order for the party to exhaust administrative remedies pursuant to RCW 34.05.534, the director shall adopt and implement rules in accordance with this subsection.

(a) The director, in consultation with the secretary, shall adopt rules to create a process for parties to seek administrative review of initial orders issued pursuant to RCW 34.05.461 in adjudicative proceedings governed by this subsection when multiple agencies are parties.

(b) This process shall seek to minimize any procedural complexities imposed on appellants that result from multiple agencies being parties to the matter, without prejudicing the rights of parties who are public assistance applicants or recipients.

(c) Nothing in this subsection shall impose or modify any legal requirement that a party seek administrative review of initial orders in order to exhaust administrative remedies pursuant to RCW 34.05.534.

(7) This subsection only applies to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical services programs established under this chapter and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the authority or its authorized agency to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical services programs established under this chapter. If the prevailing party in the adjudicative proceeding is the applicant or recipient, he or she is entitled to reasonable attorneys' fees.

(8) When an applicant or recipient files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered with respect to the medical services program, no filing fee may be collected from the person and no bond may be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the applicant or recipient, the person is entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of an applicant, assistance shall be paid from the date of earliest eligibility, the date of the denial of the application for assistance, or ~~((forty five))~~ 45 days following the date of application, whichever is soonest. If a decision of the court is made in favor of a recipient, assistance shall be paid from the effective date of the authority's decision.

(9) The provisions of RCW 74.08.080 do not apply to adjudicative proceedings requested or conducted with respect to the medical services program pursuant to this section.

(10) The authority shall adopt any rules it deems necessary to implement this section.

NEW SECTION. **Sec. 3.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2023." Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5729.

Senators Nguyen and Gildon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5729.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5729 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5729, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5729, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5729, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5753 with the following amendment(s): 5753-S AMH HCW H2831.1

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ((sixteen)) seventeen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. ((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission.)) Members of the commission hold office until their successors are appointed. ((The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all)) All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and ((two)) three members must be public members.

**Sec. 2.** RCW 18.32.0355 and 1994 sp.s. c 9 s 206 are each amended to read as follows:

Members must be ((citizens of the United States and)) residents of this state. Dentist members must be licensed dentists in the active practice of dentistry for a period of five years before appointment. Of the twelve dentists appointed to the commission, at least four must reside and engage in the active practice of dentistry east of the summit of the Cascade mountain range. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

**Sec. 3.** RCW 18.52.040 and 2011 c 336 s 488 are each amended to read as follows:

(1) The state board of nursing home administrators shall consist of ((nine)) eleven members appointed by the governor. ((Four)) Six members shall be persons licensed under this chapter who have at least four years actual experience in the administration of a licensed nursing home in this state ((immediately preceding appointment to the board and who are not employed by the state or federal government)). At least one, but not more than two, of the six administrator members shall be an administrator of an assisted living facility or a continuing care retirement community.

((Four)) (2) Three members shall be representatives of ((the health care professions)) one or more of the following:

(a) Licensed health care professionals providing medical or nursing services in nursing homes who are privately or self-employed; ((or shall be persons employed by))

(b) Faculty or administrators of educational institutions who have special knowledge ((or expertise in the field of health care administration, health care education or long-term care or both, or care of the aged and chronically ill.

One member)) of health care education, long-term care, or care of the aged or elderly; or

(c) Persons currently employed in areas related to the long-term care field including, but not limited to, pharmacy, home health, adult family homes, or therapy services.

(3) Two members shall be ((a)) members of the health care consuming public who are residents of ((a)) nursing homes or ((a)) family members of ((a resident)) nursing home residents or ((a)) persons eligible for medicare. No member who is a nonadministrator representative shall have any direct or family financial interest in nursing homes while serving as a member of the board. The governor shall consult with and seek the recommendations of the appropriate statewide business and professional organizations and societies primarily concerned with long-term health care facilities in the course of considering his or her appointments to the board. ((Board members currently serving shall continue to serve until the expiration of their appointments.))

**Sec. 4.** RCW 18.52.050 and 1992 c 53 s 5 are each amended to read as follows:

Members of the board shall be ((citizens of the United States and)) residents of this state. All administrator members of the board shall be holders of licenses under this chapter. The terms of all members shall be five years. Any board member may be removed for just cause including a finding of fact of unprofessional conduct or impaired practice. The governor may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive full terms((, whether full or partial)). Board members shall serve until their successors are appointed. Board members shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. The board may elect annually a chair and vice chair to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the secretary or the chair. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 5.** RCW 18.74.020 and 2007 c 98 s 2 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of ((six)) seven members who shall be appointed by the governor. ((Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four)) Five members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. One member shall be a physical therapist assistant licensed under this chapter and residing in this state, shall not have less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The ((sixth)) seventh member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his or her primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedure stated in this section to fill the remainder of the term. No member may serve for more than two ((successive)) consecutive full four-year terms.

The secretary of health shall furnish such secretarial, clerical, and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated in accordance with RCW ((43.03.240)) 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

**Sec. 6.** RCW 18.74.027 and 1983 c 116 s 5 are each amended to read as follows:

The board shall elect from its members a chairperson and vice chairperson-secretary, who shall serve for one year and until their successors are elected. The board shall meet at least once a year and upon the call of the chairperson at such times and places as the chairperson designates. ((Three members constitute a quorum of the full board for the transaction of any business.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

**Sec. 7.** RCW 18.92.021 and 2007 c 235 s 3 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors ((consisting)) reflecting the diverse practice of animal medicine, including large animal, small animal, and specialty practice, as well as diverse types of employment and practice ownership including sole proprietorships, partnerships, and corporations. The board shall consist of ((seven)) nine members, ((five)) six of whom shall be licensed veterinarians, one of whom shall be a licensed veterinary technician ((trained in both large and small animal medicine)), one of whom shall be a licensed veterinarian or a licensed veterinary technician, and one of whom shall be a ((lay)) member of the public.

(2)(a) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry, or employed as a licensed veterinary technician, as applicable((, and must be citizens of the United States)). Not more than ((one)) two licensed veterinary members shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

(b) The terms of the ((first licensed)) members ((of the board)) shall be ((as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for)) five years and until their successors are appointed and qualified.

(c) ((The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

(d)) A member may be appointed to serve ((a second term, if that term does not run consecutively)) two consecutive full terms.

((e)) (d) Vacancies ((in)) on the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(3) ((The licensed veterinary technician member is a nonvoting member with respect to board decisions related to the discipline of a veterinarian involving standard of care.

(4)) Officers of the board shall be a chair and a ((secretary-treasurer)) vice chair to be chosen by the members of the board from among its members.

((5) Four members of the board shall constitute a quorum at meetings of the board.) (4) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 8.** RCW 18.92.040 and 1991 c 3 s 240 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ((43.70.250)) 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. No expense may be incurred by members of the board except in connection with board meetings without prior approval of the secretary.

**Sec. 9.** RCW 18.108.020 and 1991 c 3 s 253 are each amended to read as follows:

The Washington state board of massage is ((hereby)) created. The board shall consist of ((four)) seven members who shall be appointed by the governor for a term of four years each. ((Members)) All members shall be residents of this state ((and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be

licensed under this chapter and actively engaged in the practice of massage during their incumbency.

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board)). Five members shall be massage therapists licensed under this chapter with at least three years' experience in the practice of massage immediately preceding their appointment and shall at all times during their terms remain licensed massage therapists.

One member shall be a consumer whose occupation does not include the administration of health activities or the provision of health services and who has no material financial interest in the provision of health care services.

One member shall be a massage educator or massage school owner with at least three years' experience in the teaching or administration of direct student learning of the practice of massage. The educator or school owner member is not required to be a licensed massage therapist. The member shall recuse themselves from any board deliberations or decision making involving the school or educational program with which the member is professionally affiliated.

In the event that a member cannot complete ((his or her)) their term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive full terms ((whether full or partial)). The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

Each member of the board shall be compensated in accordance with RCW ((43.03.240)) 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the secretary. ((Three members of the board shall constitute a quorum of the board.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 10.** RCW 18.83.035 and 1989 c 226 s 1 are each amended to read as follows:

There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of ((seven)) nine psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall ((be a citizen of the United States who has)) have actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Board members shall be appointed for a term of five years, except that the terms of the existing appointees shall be adjusted by the governor so that no more than two members' terms expire each

year with all subsequent appointments for a five-year term. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson.

**Sec. 11.** RCW 18.83.045 and 1991 c 3 s 195 are each amended to read as follows:

The board shall meet at least once each year and at such other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or such other places as may be designated by the secretary. Five members of the board shall constitute a quorum, except that oral examinations may be conducted with only three psychologist members. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 12.** RCW 18.83.051 and 1984 c 287 s 48 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

**Sec. 13.** RCW 18.64.001 and 2013 c 19 s 3 are each amended to read as follows:

There shall be a state pharmacy quality assurance commission consisting of fifteen members, to be appointed by the governor by and with the advice and consent of the senate. Ten of the members shall be designated as pharmacist members, four of the members shall be designated a public member, and one member shall be a pharmacy technician.

Each pharmacist member shall be a ((citizen of the United States and a)) resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a ((citizen of the United States and a)) resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the commission shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the commission.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

**Sec. 14.** RCW 18.64.003 and 2013 c 19 s 4 are each amended to read as follows:

Members of the commission shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The commission shall elect a chairperson and a vice chairperson from among its members. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission

is required to carry a motion or resolution, to adopt a rule, or to pass a measure. The commission is designated as a class five group for purposes of chapter 43.03 RCW. Each member shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 15.** RCW 18.64.005 and 2013 c 19 s 5 are each amended to read as follows:

The commission shall:

(1) Regulate the practice of pharmacy and enforce all laws placed under its jurisdiction;

(2) Prepare or determine the nature of, and supervise the grading of, examinations for applicants for pharmacists' licenses;

(3) Establish the qualifications for licensure of pharmacists or pharmacy interns;

(4) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the commission, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW or a presiding officer designated by the commission. The commission may authorize the secretary, or their designee, to serve as the presiding officer for any disciplinary proceedings of the commission authorized under this chapter. The presiding officer shall not vote on or make any final decision in cases pertaining to standards of practice or where clinical expertise is necessary. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW;

(5) Issue subpoenas and administer oaths in connection with any hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the commission;

(6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, or any other laws or rules under its jurisdiction;

(7) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the commission;

(8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

(9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed as members of the commission. Such immunity shall apply to employees of the department when acting in the course of disciplinary proceedings;

(10) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

(11) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

(12) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

(13) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

services, the department of labor and industries, and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the department. The department shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

**Sec. 16.** RCW 18.64.310 and 2013 c 19 s 21 are each amended to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with RCW 43.70.250 and 43.70.280. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the commission, an executive officer, who shall be exempt from the provisions of chapter 41.06 RCW and who shall ((be a pharmacist licensed in Washington, and)) employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the commission, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the commission;

(4) Make, at the direction of the commission, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The written operating agreement between the department and the commission, as required by RCW 43.70.240 shall include provisions for the department to involve the commission in carrying out its duties required by this section.

NEW SECTION. **Sec. 17.** A new section is added to chapter 18.64 RCW to read as follows:

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission including, but not limited to, licensing, disciplinary, and adjudicative actions.

NEW SECTION. **Sec. 18.** A new section is added to chapter 18.59 RCW to read as follows:

Each member of the board shall be compensated in accordance with RCW 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

**Sec. 19.** RCW 18.59.120 and 2011 c 336 s 492 are each amended to read as follows:

(1) There is established a board of occupational therapy practice. The board shall consist of five members appointed by the governor, who may consider the persons who are recommended for appointment by occupational therapy associations of the state. The members of the board shall be residents of the state. Four of the members shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least five years immediately

preceding their appointment. Three of these four board members shall be occupational therapists who shall at all times be holders of licenses for the practice of occupational therapy in the state, ((except for the initial members of the board,)) all of whom shall fulfill the requirements for licensure under this chapter. At least one member of the board shall be an occupational therapy assistant licensed to assist in the practice of occupational therapy, except for the initial member appointed to this position, who shall fulfill the requirements for licensure as a occupational therapy assistant under this chapter. The remaining member of the board shall be a member of the public with an interest in the rights of consumers of health services.

(2) ((The governor shall, within sixty days after June 7, 1984, appoint one member for a term of one year, two members for a term of two years, and two members for a term of three years.)) Appointments ((made thereafter)) shall be for three-year terms, but no person shall be appointed to serve more than two consecutive full terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the initial appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this section. The governor shall make appointments for vacancies in unexpired terms within ninety days after the vacancies occur.

(3) The board shall meet during the first month of each calendar year to select a chair and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chair or the written request of any two board members. ((A majority of members of the board constitutes a quorum for all purposes.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon request of an applicant who fails an examination, to prepare a response indicating the reasons for the applicant's failure.

((4) Members of the board shall receive compensation in the amount of fifty dollars for each day's attendance at proper meetings of the committee.))

**Sec. 20.** RCW 18.30.050 and 2002 c 160 s 4 are each amended to read as follows:

(1) The Washington state board of denturists is created. The board shall consist of seven members appointed by the secretary as follows:

(a) Four members of the board must be denturists licensed under this chapter, except initial appointees, who must have five years' experience in the field of denturism or a related field.

(b) Two members shall be selected from persons who are not affiliated with any health care profession or facility, at least one of whom must be over sixty-five years of age representing the elderly.

(c) One member must be a dentist licensed in the state of Washington.

(2) The members of the board shall serve for terms of three years. ((The terms of the initial members shall be staggered, with the members appointed under subsection (1)(a) of this section serving two-year and three-year terms initially and the members appointed under subsection (1)(b) and (c) of this section serving one-year, two-year, and three-year terms initially. Vacancies shall be filled in the same manner as the original appointments are made.)) Appointments to fill vacancies shall be for the remainder of the unexpired term of the vacant position.

(3) No appointee may serve more than two consecutive terms.

(4) Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Each member of

the board shall be compensated in accordance with RCW 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A member of the board may be removed for just cause by the secretary.

**Sec. 21.** RCW 18.30.060 and 1995 c 1 s 7 are each amended to read as follows:

(1) The board shall elect a chairperson of the board annually. The same person may not hold the office of chairperson for more than three years in succession.

(2) ((A majority of the board constitutes a quorum for all purposes, and a majority vote of the members voting governs the decisions of the board.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 22.** RCW 18.36A.150 and 2011 c 41 s 1 are each amended to read as follows:

(1) There is created the board of naturopathy consisting of seven members appointed by the governor to four-year terms. Five members of the board shall be persons licensed under this chapter and two shall be members of the public. No member may serve more than two consecutive full terms. Members hold office until their successors are appointed. ((The governor may appoint the initial members of the board to staggered terms from one to four years. Thereafter, all)) All members shall be appointed to full four-year terms.

(2) The public members of the board may not be a member of any other health care licensing board or commission, have a fiduciary obligation to a facility rendering services regulated under this chapter, or have a material or financial interest in the rendering of services regulated under this chapter.

(3) The board shall elect officers each year. The board shall meet at least twice each year and may hold additional meetings as called by the chair. Meetings of the board are open to the public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW. The department shall provide secretarial, clerical, and other assistance as required by the board.

(4) Each member of the board shall be compensated in accordance with RCW ((43.03.240)) 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

(6) The board may appoint members to panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the board.

(7) The board may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

(8) The governor may remove a member of the board for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, he or she shall file with the secretary of state a statement of the cause for and the order of removal from office, and the secretary shall immediately send a certified copy of the order of removal and statement of causes by certified mail to the last known post office address of the member. If a vacancy occurs on the board, the governor shall appoint a replacement to fill the remainder of the unexpired term.

**Sec. 23.** RCW 18.54.030 and 2011 c 336 s 489 are each amended to read as follows:

The initial composition of the optometry board includes the three members of the examining committee for optometry plus two more optometrists to be appointed by the governor.

The governor must make all appointments to the optometry board. Only optometrists who are ((citizens of the United States,)) residents of this state, having been licensed to practice and practicing optometry in this state for a period of at least four years immediately preceding the effective date of appointment, and who have no connection ((with any school or college embracing the teaching of optometry or)) with any optical supply business may be appointed.

((The governor may set the terms of office of the initial board at his or her discretion, to establish the following perpetual succession: The terms of the initial board include one position for one year, two for two years, and two for three years; and upon the expiration of the terms of the initial board, all)) All appointments are for three years.

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of three years.

In the event that a vacancy occurs on the board in the middle of an appointee's term, the governor must appoint a successor for the unexpired portion of the term only.

**Sec. 24.** RCW 18.54.060 and 1963 c 25 s 6 are each amended to read as follows:

((Three members constitute a quorum for the transaction of business of the board)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 25.** RCW 18.54.130 and 1984 c 287 s 41 are each amended to read as follows:

Members of the board are entitled to receive their travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each member of the board will also be compensated in accordance with RCW ((43.03.240)) 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

**Sec. 26.** RCW 18.35.150 and 2014 c 189 s 12 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing aid specialist, audiology, and speech-language pathology. The board shall consist of eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing aid specialists who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory

FIFTY SEVENTH DAY, MARCH 7, 2022

nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. ((Of the initial appointments, one hearing aid specialist, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing aid specialist, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms.)) No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing aid specialists, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. ((A quorum is a majority of the board. A hearing aid specialist, speech-language pathologist, and audiologist must be represented.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

**Sec. 27.** RCW 18.57.003 and 2017 c 101 s 1 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be ((a citizen of the United States and must be)) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, one member must have been in active practice as a licensed osteopathic physician assistant in this state for at least five years immediately preceding appointment, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson((, a secretary,)) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall

determine and at such other times and places as the board deems necessary.

((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of the board.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

**Sec. 28.** RCW 18.57.003 and 2020 c 80 s 14 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be ((a citizen of the United States and must be)) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson((, a secretary,)) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of the board.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

**Sec. 29.** RCW 18.22.014 and 2020 c 248 s 2 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson((,)) and a vice chairperson((, and secretary)) from

among its members. Members must be compensated in accordance with RCW 43.03.265 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW. ((A simple majority of the board members currently serving constitutes a quorum of the board.)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

**Sec. 30.** RCW 18.200.060 and 1997 c 285 s 7 are each amended to read as follows:

(1) The secretary has the authority to appoint an advisory committee to further the purposes of this chapter. The secretary may consider the persons who are recommended for appointment by the orthotic and prosthetic associations of the state. The committee is composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Subsequent appointments are for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. Members of the advisory committee must be residents of this state ((and citizens of the United States)). The committee is composed of three individuals licensed in the category designated and engaged in rendering services to the public. Two members must at all times be holders of licenses for the practice of either prosthetics or orthotics, or both, in this state, except for the initial members of the advisory committee, all of whom must fulfill the requirements for licensure under this chapter. One member must be a practicing orthotist. One member must be a practicing prosthetist. One member must be licensed by the state as a physician licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or surgery or physiatry. Two members must represent the public at large and be unaffiliated directly or indirectly with the profession being credentialed but, to the extent possible, be consumers of orthotic and prosthetic services. The two members appointed to the advisory committee representing the public at large must have an interest in the rights of consumers of health services and must not be or have been a licensee of a health occupation committee or an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility.

(2) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The advisory committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The advisory committee may be requested by the secretary to review and monitor the exemptions to requirements of certain orthoses and prostheses in this chapter and recommend to the secretary any statutory changes that may be needed to properly protect the public.

(6) The advisory committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of orthotic and prosthetic care.

(7) The advisory committee shall meet at the times and places designated by the secretary and hold meetings during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice chair. A majority of the members currently serving constitute a quorum.

(8) Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be

compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committees.

(9) The secretary, members of advisory committees, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

**Sec. 31.** RCW 18.25.0165 and 1994 sp.s. c 9 s 106 are each amended to read as follows:

Members must be ((citizens of the United States and)) residents of this state. Members must be licensed chiropractors for a period of five years before appointment. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

**Sec. 32.** RCW 18.79.070 and 2005 c 17 s 1 are each amended to read as follows:

(1) The state nursing care quality assurance commission is established, consisting of fifteen members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the commission for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced registered nurse practitioner members, three licensed practical nurse members, and three public members on the commission. Each member of the commission must be a ((citizen of the United States and a)) resident of this state.

(3)(a) Registered nurse members of the commission must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced registered nurse practitioner members of the commission must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the commission must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the commission hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

**Sec. 33.** RCW 18.79.140 and 1994 sp.s. c 9 s 414 are each amended to read as follows:

The executive director must be a graduate of ((an approved nursing education program and of)) a college or university, with a masters' degree(, and currently licensed as a registered nurse under this chapter; have a minimum of eight years' experience in nursing in any combination of administration and nursing education; and have been actively engaged in the practice of registered nursing or nursing education within two years immediately before the time of appointment)).

**Sec. 34.** RCW 18.71.015 and 2019 c 55 s 4 are each amended to read as follows:

The Washington medical commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed in the state of Washington as physician assistants under chapter 18.71A RCW, and six individuals who are members of the public. At least two of the public members shall not be from the health care industry. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor((. Members of the initial commission may be appointed to staggered terms of one to four years)), and ((thereafter)) all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. ((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.)) No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be ((a citizen of the United States, must be)) an actual resident of this state, and, if a physician or physician assistant, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three

members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

**NEW SECTION. Sec. 35.** Section 27 of this act expires July 1, 2022.

**NEW SECTION. Sec. 36.** Section 28 of this act takes effect July 1, 2022."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5753.

Senators Cleveland and Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5753.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5753 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5753, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5753, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Froct, Hasegawa, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Honeyford, McCune, Muzzall, Padden, Rivers,

Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5753, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5761 with the following amendment(s): 5761-S.E AMH HOFF TANG 169

On page 2, after line 10, insert the following:

"NEW SECTION. **Sec. 2.** This act takes effect January 1, 2023."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5761.

Senators Randall and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5761.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5761 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5761, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5761, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5761, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1642,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716,  
SUBSTITUTE HOUSE BILL NO. 1724,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 1867,  
HOUSE BILL NO. 1934,  
SUBSTITUTE HOUSE BILL NO. 1941,  
HOUSE BILL NO. 1953,  
HOUSE BILL NO. 1974,  
HOUSE BILL NO. 2033,  
and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764 with the following amendment(s): 5764-S2.E AMH APP H2927.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.92.030 and 2019 c 406 s 21 are each amended to read as follows:

((As used in this chapter:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the student achievement council.

(2) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students;

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

(iv) An approved apprenticeship program under chapter 49.04 RCW.

(5) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for fifteen quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(b) For students attending private four-year not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is nine thousand seven hundred thirty-nine dollars and may increase each year afterwards by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is three thousand six hundred ninety-four dollars and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is eight thousand five hundred seventeen dollars and may increase each year afterwards by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is two thousand eight hundred twenty-three dollars and may increase each year afterwards by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, in the 2019-20 academic year, is five thousand six hundred nineteen dollars and may increase each year afterwards by no more than the tuition growth factor.

(g) For students attending approved apprenticeship programs, beginning in the 2022-23 academic year, is ((tuition and fees, as determined by the office, in addition to required program supplies and equipment)) the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

(6) "Office" means the office of student financial assistance.

(7) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

**NEW SECTION. Sec. 2.** (1) It is the intent of the legislature to remove barriers for students enrolled in a state registered apprenticeship program under chapter 49.04 RCW to access the Washington college grant.

(2) It is the goal of the legislature that students enrolled in state registered apprenticeship programs and receiving related supplemental instruction at a community and technical college have access to the Washington college grant through the financial aid office at their college. The Washington student achievement council shall verify access to the Washington college grant for students enrolled in state registered apprenticeship programs receiving their related supplemental instruction other than at a community and technical college.

(3) The state board for community and technical colleges must fully implement this goal by the beginning of the 2025-26 academic year.

(4) As part of the implementation process, the state board for community and technical colleges must collaborate with the office of student financial assistance, as defined in RCW 28B.92.030, to create a student information technology interface to simplify the application, verification of registration, eligibility, and award to students.

(5) The state board for community and technical colleges and the office of student financial assistance must establish data-sharing agreements with other state agencies to verify student data.

**NEW SECTION. Sec. 3.** (1) The student achievement council shall contract with the William D. Ruckelshaus Center to do the following:

(a) Evaluate paths to credentials for apprentices, including recommendations on the requirements and benefits of expanding

the multioccupational trades degree, and exploration of other credentials that will support transfer to baccalaureate degrees or other advanced credentials for apprentices. This evaluation may include options for instructional modality and analysis of the opportunities and limitations for incorporating general education course requirements into degree pathways for apprentices. The evaluation may also include reviewing credit articulation within the college system, prior learning assessments, and competency-based models, as applicable;

(b) Examine national best practices in delivery and award of educational credentials to apprentices. This exploration may include assessment of the governance structures and operational models for delivery of apprenticeship degree pathways, including operational considerations and costs associated with those models, and make recommendations on the model or models best suited for implementation in Washington with consideration on sustainably funding and growing state registered apprenticeships in the future;

(c) Research apprentices' demand for degrees, for individuals in, or who have completed, a state registered apprenticeship program;

(d) Review the current funding model for apprentices within the community and technical college system, with consideration on the use of state funds for apprenticeships, and national funding structures for apprenticeship programs that could be applied within Washington state. The center must consult with the Washington state apprenticeship council established under chapter 49.04 RCW, the state board for community and technical colleges, the associated general contractors of Washington, the association of Washington business, and any other relevant or impacted parties as needed to provide recommendations to the legislature on a sustainable funding model for related supplemental instruction and credit for apprentices through the community and technical college system to ensure it fully covers institutional and apprenticeship program costs of related supplemental instruction. This funding model review may include institutional costs of developing, administering, delivering, hosting, instructing, and contracting. These recommendations must be included in the annual report established in subsection (2) of this section;

(e) Consult with the state board for community and technical colleges, an organization representing the presidents of the public four-year institutions of higher education, the office of the superintendent of public instruction, the joint transfer council of Washington, the department of labor and industries, the Washington state labor council, the associated general contractors of Washington, the association of Washington business, the Washington building trades council, the student achievement council, the independent colleges of Washington, private career colleges, an accrediting body, career connect, and other stakeholders with interests and expertise in apprenticeship training and higher education mobility;

(f) Identify and remove barriers for apprentices to access the Washington college grant program, established under RCW 28B.92.200, and all other student services and support programs and resources.

(2) The student achievement council shall report annually by December 1st, beginning in 2023, in compliance with RCW 43.01.036, the William D. Ruckelshaus Center's progress, findings, and recommendations to the appropriate higher education committees of the legislature on the evaluations in subsection (1) of this section. The annual report in 2026 shall provide viable policy options for degree pathways for individuals who complete state registered apprenticeship programs.

(3) The apprenticeship council, in consultation with the state board for community and technical colleges, the student achievement council, an organization representing the presidents of the public four-year institutions of higher education, and any other relevant or impacted parties as needed, shall explore

whether the state should establish an institution, or centralized program, for apprentices to receive related supplemental instruction for credit towards a degree. A report on their findings, with a recommendation, must be included in the December 1, 2023, annual report established in subsection (2) of this section.

(4) This section expires July 1, 2028.

**NEW SECTION. Sec. 4.** All institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits as possible and appropriate, for related supplemental instruction in active state apprenticeship programs, registered during or before July 1, 2022, by the 2028-29 school year. For all state registered apprenticeship programs approved after July 1, 2022, all institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits, as possible and appropriate, for related supplemental instruction within six years of the program's registration. While establishing credits, institutions of higher education must consult with their faculty representatives. Credits are at the sole discretion of each institution of higher education and must be determined in consultation with their faculty representatives. Credits established by institutions of higher education are not intended to impact the possible revision of previously approved related supplemental instruction in a state registered apprenticeship program.

**NEW SECTION. Sec. 5.** Sections 2 through 4 of this act constitute a new chapter in Title 28B RCW.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5764.

Senators Randall and Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5764.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5764 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5764, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5764, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5788 with the following amendment(s): 5788 AMH CRJ H2849.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.130.225 and 2020 c 312 s 108 are each amended to read as follows:

(1) On its own, on motion when a guardianship petition is filed under RCW 11.130.190, or on petition by a person interested in a minor's welfare, including the minor, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority, ability, and the willingness to act ((in the circumstances)) to prevent substantial harm to the minor's health, safety, or welfare.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a motion for or a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under RCW 11.130.200;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under RCW 11.130.185.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under RCW 11.130.190 or 11.130.220.

(8) If a petition for guardianship under RCW 11.130.215 is pending, or is subsequently filed after a petition under this section, the cases shall be linked or consolidated.

**Sec. 2.** RCW 13.04.030 and 2020 c 41 s 4 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(3)(d).

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family or probate court over ~~((child custody))~~ minor guardianship proceedings under chapter ~~((26.10))~~ 11.130 RCW and parenting plans or residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 3.** RCW 26.12.172 and 2008 c 6 s 1046 are each amended to read as follows:

Any court rules adopted for the implementation of parenting seminars shall include the following provisions:

(1) In no case shall opposing parties be required to attend seminars together;

(2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:

(a) Waive the requirement of completion of the seminar; or

(b) Provide an alternative, voluntary parenting seminar for battered spouses or battered domestic partners; and

(3) The court may waive the seminar for good cause.

(4) Cases filed as a minor guardianship under chapter 11.130 RCW are exempt from requirements of parenting seminar attendance.

**Sec. 4.** RCW 26.23.050 and 2021 c 35 s 14 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the support order when the coverage terminates;

(e) A statement that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in RCW 26.09.320 if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the order when the coverage terminates; and

(iv) A statement that a party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support, after a payment is past due.

(c) If a mandatory income withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding order.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of child support may serve a notice on the person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for a child or children covered by the order through health care coverage if:

(i) The person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the person required to provide medical support without further notice to the person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, ~~((26.10,))~~ 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers, to ensure that the parties' information is added to the judicial information system's person database. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 5.** RCW 11.130.010 and 2020 c 312 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Court visitor" means the person appointed by the court pursuant to this chapter.

(8) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(9) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(10) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

(11) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(12) "Guardian ad litem" means a person appointed to inform the court about, ~~(and)~~ or to represent, the needs and best interests of a minor.

(13) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(14) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(15) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(16) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(17) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(18) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(19) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(20) "Minor" means an unemancipated individual under eighteen years of age.

(21) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(22) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(23) "Notice party" means a person entitled to notice under this chapter or otherwise determined by the court to be entitled to notice.

(24) "Parent" does not include an individual whose parental rights have been terminated.

(25) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(26) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed guardian or conservator for three or more persons.

(27) "Property" includes tangible and intangible property.

(28) "Protective arrangement instead of conservatorship" means a court order entered under RCW 11.130.590.

(29) "Protective arrangement instead of guardianship" means a court order entered under RCW 11.130.585.

(30) "Protective arrangement under Article 5 of this chapter" means a court order entered under RCW 11.130.585 or 11.130.590.

(31) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(33) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(34) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(35) "Special agent" means the person appointed by the court pursuant to RCW 11.130.375 or 11.130.635.

(36) "Standby guardian" means a person appointed by the court under RCW 11.130.220.

(37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(38) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

(39) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(40) "Visitor" means a court visitor.

**Sec. 6.** RCW 11.130.085 and 2019 c 437 s 117 are each amended to read as follows:

(1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;

(b) Has been convicted of:

(i) A felony;

(ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or

(c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent and knows the agent has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

(5) A court may not be able to access certain databases. The parties and not the court are responsible for confirming the accuracy of what is represented.

**Sec. 7.** RCW 11.130.210 and 2020 c 312 s 105 are each amended to read as follows:

(1) Before granting any order under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information regarding all proposed guardians and all adult members of any proposed guardian's household as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for ~~((the petitioner and))~~ all proposed guardians as well as all adult members of the ((petitioner's)) proposed guardian's household.

**Sec. 8.** RCW 11.130.215 and 2020 c 312 s 106 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

**NEW SECTION. Sec. 9.** Section 4 of this act takes effect January 1, 2023."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5788.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Senate Bill No. 5788.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5788 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5788, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5788, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator King

SENATE BILL NO. 5788, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5789 with the following amendment(s): 5789-S2 AMH APP H2911.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.120 RCW to read as follows:

(1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment and completion for students enrolling directly from high school and adults returning to education; and

(b) Eliminate educational opportunity gaps for students of color, English language learners, students with disabilities, and foster and homeless youth.

(2)(a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with stakeholders including representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) An organization representing the private, not-for-profit, four-year institutions of higher education;

(v) The commission on African American affairs;

(vi) The commission on Hispanic affairs;

(vii) The commission on Asian Pacific American affairs;

(viii) The Washington state LGBTQ commission;

(ix) The governor's office of Indian affairs; and

(x) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that:

(i) Plan and pilot innovative initiatives to raise educational attainment and decrease opportunity gaps;

(ii) Engage community-based organizations and resources;

(iii) Expand the use of integrated work-based learning;

(iv) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training; and

(v) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(3) The student achievement council shall provide a report each year beginning September 1, 2022, to the governor and the education and higher education committees of the legislature in accordance with RCW 43.01.036. The report shall:

(a) Describe grants awarded;

(b) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(c) Disaggregate data by income, race, ethnicity, and other demographic characteristics.

**Sec. 2.** RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The (~~student achievement council fund for innovation and quality~~) Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received (~~under RCW 28B.120.030~~) for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of (~~RCW 28B.120.010 and 28B.120.020~~) awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but (~~no~~) an appropriation is not required for disbursements.

**Sec. 3.** RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~account~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each

account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1)RCW 28B.120.005 (Findings) and 2010 c 245 s 6, 1999 c 169 s 2, & 1991 c 98 s 1;

(2)RCW 28B.120.010 (Washington fund for innovation and quality in higher education program—Incentive grants) and 2012 c 229 s 571, 2010 c 245 s 7, 1999 c 169 s 5, 1996 c 41 s 1, & 1991 c 98 s 2;

(3)RCW 28B.120.020 (Program administration—Powers and duties of student achievement council) and 2012 c 229 s 572, 2011 1st sp.s. c 11 s 235, 2010 c 245 s 8, 1999 c 169 s 3, 1996 c 41 s 2, & 1991 c 98 s 3;

(4)RCW 28B.120.025 (Program administration—Powers and duties of state board for community and technical colleges) and 2012 c 229 s 573 & 1999 c 169 s 4;

(5)RCW 28B.120.030 (Receipt of gifts, grants, and endowments) and 2012 c 229 s 574, 1999 c 169 s 6, & 1991 c 98 s 4; and

(6)RCW 28B.120.900 (Intent—1999 c 169) and 1999 c 169 s 1."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5789.

Senators Randall and Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5789.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5789 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5789, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5789, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5789, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5790 with the following amendment(s): 5790-S AMH APP H2928.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.29.010 and 2010 c 94 s 26 are each reenacted and amended to read as follows:

(1) "Independence" means a reasonable degree of restoration from dependency upon others to self-direction and greater control over circumstances of one's life for personal needs and care and includes but is not limited to the ability to live in one's home.

(2) "Individual with disabilities" means an individual:

(a) Who has a physical, mental, or sensory disability, which requires vocational rehabilitation services to prepare for, enter into, engage in, retain, or engage in and retain gainful employment consistent with his or her capacities and abilities; or

(b) Who has a physical, mental, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of vocational rehabilitation or independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment.

(3) "Individual with severe disabilities" means an individual with disabilities:

(a) Who has a physical, mental, or sensory impairment that seriously limits one or more functional capacities, such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, in terms of employment outcome, and/or independence and participation in family or community life;

(b) Whose rehabilitation can be expected to require multiple rehabilitation services over an extended period of time; and

(c) Who has one or more physical, mental, or sensory disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and rehabilitation needs to cause comparable substantial functional limitation.

(4) "Job support services" means ongoing goods and services provided after vocational rehabilitation, subject to available funds, that support an individual with severe disabilities in employment. Such services include, but are not limited to, extraordinary supervision or job coaching.

(5) "Physical, mental, or sensory disability" means a physical, mental, or sensory condition which materially limits, contributes to limiting or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(6) "Rehabilitation services" means goods or services provided to: (a) Determine eligibility and rehabilitation needs of individuals with disabilities, and/or (b) enable individuals with disabilities to attain or retain employment and/or independence, and/or (c) contribute substantially to the rehabilitation of a group of individuals with disabilities. To the extent federal funds are available, goods and services may include, but are not limited to, the establishment, construction, development, operation and maintenance of community rehabilitation programs and independent living centers, as well as special demonstration projects.

(7) "~~((state agency))~~ Department" means the department of social and health services.

**Sec. 2.** RCW 74.29.020 and 1993 c 213 s 3 are each amended to read as follows:

Subject to available funds, and consistent with federal law and regulations the ~~((state agency))~~ department shall:

(1) Develop statewide rehabilitation programs;

(2) Provide vocational rehabilitation services, independent living services, and/or job support services to individuals with disabilities or severe disabilities;

(3) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out rehabilitation services as specified by law and the regulations of the ~~((state agency))~~ department; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(4) Appoint and fix the compensation and prescribe the duties, of the personnel necessary for the administration of this chapter, unless otherwise provided by law;

(5) Make exploratory studies, do reviews, and research relative to rehabilitation;

(6) Coordinate with the state rehabilitation advisory council and the state independent living advisory council on the administration of the programs;

(7) Report to the governor and to the legislature on the administration of this chapter, as requested; and

(8) Adopt rules, in accord with chapter 34.05 RCW, necessary to carry out the purposes of this chapter.

**Sec. 3.** RCW 74.29.037 and 1993 c 213 s 6 are each amended to read as follows:

The ~~((state agency))~~ department may establish cooperative agreements with other state and local agencies.

**Sec. 4.** RCW 74.29.050 and 1969 ex.s. c 223 s 28A.10.050 are each amended to read as follows:

The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this chapter, and authorize the

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

state treasurer to make disbursements therefrom upon the order of the ~~((state agency))~~ department; and

(3) Empower and direct the ~~((state agency))~~ department to cooperate with the federal government in carrying out the provisions of this chapter or of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

**Sec. 5.** RCW 74.29.080 and 1993 c 213 s 4 are each amended to read as follows:

(1) Determination of eligibility and need for rehabilitation services and determination of eligibility for job support services shall be made by the ~~((state agency))~~ department for each individual according to its established rules, policies, procedures, and standards.

(2) The ~~((state agency))~~ department may purchase, from any source, rehabilitation services and job support services for individuals with disabilities, subject to the individual's income or other resources that are available to contribute to the cost of such services.

(3) The ~~((state agency))~~ department shall maintain registers of individuals and organizations which meet required standards and qualify to provide rehabilitation services and job support services to individuals with disabilities. Eligibility of such individuals and organizations shall be based upon standards and criteria promulgated by the ~~((state agency))~~ department.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.29 RCW to read as follows:

The department of social and health services shall:

(1) Establish a school to work program in all counties in the state to work with all students with intellectual and developmental disabilities who are potentially eligible to receive adult support services from the developmental disabilities administration of the department and are receiving high school transition services in order to connect these students with supported employment services; and

(2) In collaboration with the office of the superintendent of public instruction, the counties administering supported employment services in collaboration with the developmental disabilities administration of the department, the department of services for the blind, and any other relevant state agency working with students who are potentially eligible for adult support services from the developmental disabilities administration of the department shall:

(a) Create a statewide council to:

(i) Establish common guidelines and outcome goals across regional interagency transition networks to ensure equitable access through system navigation for individuals receiving high school transition services and connection to services after leaving the school system; and

(ii) Establish a referral and information system that helps students who are potentially eligible for adult support services from the developmental disabilities administration of the department who are transitioning from high school, and their families or guardians, connect to the necessary services and agencies that support the needs of adults with intellectual and developmental disabilities; and

(b) Establish regional interagency transition networks as proposed in the 2020 transition collaborative summative report. Each regional network shall include representation from schools, counties, the developmental disabilities administration of the department, the regional division of vocational rehabilitation, service providers, community members, and students and families. The regional networks shall identify improvement goals

and report no less than annually on progress or barriers to achieving these goals to the statewide council.

**Sec. 7.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs, nor override any individualized education program team's decision-making power. The purpose of the interagency agreements is to foster effective collaboration among the multiple agencies providing transition services for individualized education program-eligible special education students from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency.

(2)(a) When educationally and developmentally appropriate, the interagency responsibilities and linkages with transition services under subsection (1) of this section must be addressed in a transition plan to a postsecondary setting in the individualized education program of a student with disabilities.

(b) Transition planning shall be based upon educationally and developmentally appropriate transition assessments that outline the student's individual needs, strengths, preferences, and interests. Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals.

(d) Transition activities that the transition plan may address include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

(e) When educationally and developmentally appropriate, a discussion must take place with the student and parents, and others as needed, to determine the postsecondary goals or postschool vision for the student. This discussion may be included as part of an annual individualized education program review, high school and beyond plan meeting, or any other meeting that includes parents, students, and educators. The postsecondary goals included in the transition plan shall be goals that are measurable and must be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's needs, while considering the strengths, preferences, and interests of the student.

(f) As the student gets older, changes in the transition plan may be noted in the annual update of the student's individualized education program.

(g) A ~~((student with disabilities who has a high school and beyond plan may use the plan to comply with the))~~ transition plan required under this subsection (2) must be aligned with a student's high school and beyond plan.

(3) To the extent that data is available through data-sharing agreements established by the education data center under RCW 43.41.400, the education data center must monitor the following outcomes for individualized education program-eligible special education students after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

(4) To the extent that the data elements in subsection (3) of this section are available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must prepare an annual report using existing resources and submit the report to the legislature.

(5) To minimize gaps in services through the transition process, no later than three years before students receiving special education services leave the school system, the office of the superintendent of public instruction shall transmit a list of potentially eligible students to the department of social and health services, the counties, the department of services for the blind, and any other state agency working with individuals with intellectual and developmental disabilities. The office of the superintendent of public instruction shall ensure that consent be obtained prior to the release of this information as required in accordance with state and federal requirements.

**NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5790.

Senators Braun and Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5790.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5790 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5790, as amended by the House.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5793 with the following amendment(s): 5793-S2 AMH APP H2941.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that equitable public policy discussions should include individuals directly impacted by that policy. In order to do so, the legislature supports removing barriers to that participation. The legislature finds that asking community members with lower financial means to volunteer their time and expertise while state employees and representatives of advocacy organizations receive compensation from their respective agency or organization for their time and experience ultimately hinders full and open public participation. As a result, the legislature finds that removing financial barriers for those individuals fosters increased access to government and enriches public policy discussions and decisions, ultimately leading to more equitable and sustainable policy outcomes.

**Sec. 2.** RCW 43.03.220 and 2011 1st sp.s. c 21 s 55 and 2011 c 5 s 902 are each reenacted and amended to read as follows:

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group. Unless otherwise identified in law, all newly formed and existing groups are a class one group.

(2) Absent any other provision of law to the contrary, ~~((no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups))~~ a stipend may be provided to a member of a class one group in accordance with this subsection.

(a) Subject to available funding, an agency may provide a stipend to individuals who are low income or have lived experience to support their participation in class one groups when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise compensated for their attendance at meetings.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(b) Stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group.

(c) Individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060 in addition to stipend amounts.

(d) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, for this or any other title due to the payment of a stipend, lodging and travel expenses, or child care expenses provided under this section where such a relationship, membership, or qualification did not already exist.

(e) As allowable by federal and state law, state agencies will minimize, to the greatest extent possible, the impact of stipends and reimbursements on public assistance eligibility and benefit amounts.

(3)((a) No) Except for members who qualify for a stipend under subsection (2) of this section, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class one groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

((b)) (4) Class one groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

(5) Agencies exercising their authority to provide stipends and allowances under this section must follow the guidelines established by the office of equity pursuant to section 3 of this act.

(6) For purposes of this section:

(a) "Lived experience" means direct personal experience in the subject matter being addressed by the board, commission, council, committee, or other similar group.

(b) "Low income" means an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size.

NEW SECTION. Sec. 3. A new section is added to chapter 43.03 RCW to read as follows:

(1) By December 1, 2022, the office of equity shall develop uniform equity-driven guidelines for agencies on the issuance of stipends and allowances authorized under RCW 43.03.220 to provide for consistent application of the law. In developing the guidelines, the office of equity shall consult with stakeholders including, but not limited to, state agencies and impacted communities. The guidelines for providing allowances must include the reasonable allowances as prescribed by the office of financial management under RCW 43.03.050.

(2) Agencies exercising their authority under RCW 43.03.220 to provide stipends or allowances to members of class one groups shall adhere to the guidelines established under subsection (1) of this section.

Sec. 4. RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each amended to read as follows:

In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the

receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section or as authorized by RCW 43.03.220, members of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law.

Sec. 5. RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting

where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses incurred by eligible members of a class one board, commission, council, committee, or similar group, who are authorized under RCW 43.03.220 to receive such allowances, while attending an official meeting or performing statutorily prescribed duties approved by the chairperson of the group.

(6) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

~~((6))~~ (7) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund ~~(-Exceptions may be granted)~~, unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

**Sec. 6.** RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each amended to read as follows:

(1) Whenever it becomes necessary for elective or appointive officials or employees of the state to travel away from their designated posts of duty while engaged on official business, and it is found to be more advantageous or economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate established by the director of financial management shall be allowed. The mileage rate established by the director shall not exceed any rate set by the United States treasury department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T(a)(1), as now law or hereafter amended, will apply.

(2) The director of financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed. The reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous or economical to the state.

(3) The mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(4) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund ~~(-Exceptions may be granted)~~, unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.03 RCW to read as follows:

(1) An agency exercising its authority to provide stipends under RCW 43.03.220(2) must report to the Washington state office of

equity by August 30, 2023, and August 30, 2024, for state fiscal years 2023 and 2024 respectively, the following information:

(a) A brief description of the groups for which stipends have been made available including:

(i) Number of members receiving a stipend or allowance; and  
(ii) Aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation by county;

(b) The amount of stipends distributed;

(c) The amount of allowances distributed;

(d) An analysis of whether and how the availability of stipends and allowances has reduced barriers to participation and increased the diversity of group participants; and

(e) An analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate.

(2) The Washington state office of equity shall:

(a) Compile and analyze the information received from agencies under this section; and

(b) Prepare a report, in compliance with RCW 43.01.036, to the governor and legislature by December 1, 2024. The report must include:

(i) An overall evaluation of the stipend process authorized in RCW 43.03.220(2);

(ii) Recommendations for improving the process; and

(iii) Recommendations to further decrease barriers to participation and increase the diversity of group applicants.

**Sec. 8.** RCW 41.40.035 and 1987 c 146 s 1 are each amended to read as follows:

(1) No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for fewer than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month: PROVIDED, That on and after October 1, 1977, appointive and elective officials who receive monthly compensation earnable from an employer in an amount equal to or less than ninety times the state minimum hourly wage shall not receive any service credit for such employment.

(2) No person appointed on or after the effective date of this subsection to membership on any committee, board, or commission described in RCW 43.03.220 may receive service credit for service on such committee, board, or commission due to the payment of a stipend or allowance as authorized under RCW 43.03.220.

(3) This section does not apply to any person serving on a committee, board, or commission on June 30, 1976, who continued such service until subsequently appointed by the governor to a different committee, board, or commission."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5793.

Senator Wilson, C. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5793.

The motion by Senator Wilson, C. carried, and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5793 by voice vote.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5793, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5793, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Honeyford, King, McCune, Muzzall, Padden, Rivers, Sefzik, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5793, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5810 with the following amendment(s): 5810-S AMH CPB H2804.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.01 RCW to read as follows:

(1) It is the public policy of the state of Washington to promote ready access to legal assistance and counsel for all citizens of the state and to authorize that legal service contractors can issue legal service plans to businesses and individuals in the state of Washington.

(2) Legal service contractors are not insurers under RCW 48.01.050 and legal service plans are not insurance under RCW 48.01.040.

(3) This section does not in any way affect the practice of law in this state.

(4) This section does not apply to or affect any of the following arrangements:

(a) Retainer, fee, engagement, or representation agreements made by an attorney or firm of attorneys with any person or group other than a legal service contractor;

(b) Referral of individual clients to an attorney by a nonprofit lawyer referral service or public corporation or entity such as state or local bar association provided there is no fee or charge for such referral;

(c) Employee welfare benefit plans to the extent that state law or regulation is preempted by federal law or regulation;

(d) The provision of legal assistance to low or moderate-income persons by nonprofit legal aid organizations or legal aid programs affiliated with the Washington state bar association, a local bar association, a law school accredited by the American bar association, or a program operated in conjunction with a paralegal education program approved by the American bar association; or

(e) Policies of insurance, or coverage incidental to such insurance which may include legal defense, issued by an insurer

holding a valid certificate of authority in this state and issued under applicable laws in this title pertaining to such insurance.

(5) For the purposes of this section:

(a) "Legal service contractor" means any person, entity, or group of persons, including associations, who does not engage in the practice of law or the business of insurance and who, for consideration, provides members with access to legal services through agreements with providing attorneys.

(b) "Legal service plan" or "plan" means an arrangement between a legal service contractor and an individual or person or group of individuals or persons, whereby specified legal services may be provided to, or provided at discounted rates to members by providing attorneys in consideration of a periodic payment that does not constitute payment of attorney fees of any providing attorneys.

(c) "Member" means an individual, person, or group of individuals or persons eligible to receive legal services under a legal service plan.

(d) "Providing attorney" means an attorney licensed, in good standing, and eligible to practice law in this state who provides legal services under a providing attorney agreement in accordance with the terms of the legal service plan, and pursuant to an engagement agreement between the providing attorney and the member.

(e) "Providing attorney agreement" means a written contract or agreement between a legal service contractor and a providing attorney under which the providing attorney renders and provides legal services to members of a legal service plan."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5810.

Senators Mullet and Dozier spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5810.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5810 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5810, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5810, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5810, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5819 with the following amendment(s): 5819-S AMH APP H2929.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 71A.10 RCW to read as follows:

(1) The department shall hire two permanent, full-time employees to regularly review and maintain the no-paid services caseload. This includes, but is not limited to, updating the no-paid services caseload to accurately reflect a current headcount of eligible individuals and identifying the number of individuals contacted who are currently interested in receiving a paid service from the developmental disabilities administration and if the individual would like services now or within the next year. Beginning December 1, 2022, the department shall annually report this information to the governor and the appropriate committees of the legislature.

(2) A client on the no-paid services caseload shall receive case resource management services. The case resource manager's duties include: (a) Contacting and responding to the client to discuss the client's service needs, and (b) explaining to the client the service options available through the department or other community resources.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5819.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5819.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5819 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5819, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5819, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5819, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842 with the following amendment(s): 5842-S2.E AMH ENGR H2769.E

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70A.65.070 and 2021 c 316 s 9 are each amended to read as follows:

(1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during ((2023)) 2015 through ((2025)) 2019. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with RCW 70A.65.170, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

distributed under the program, either directly by the department under RCW 70A.65.110 through 70A.65.130 or ((though [through])) through auctions under RCW 70A.65.100, does not expire and may be held or banked consistent with RCW 70A.65.100(6) and 70A.65.150(1).

(3) The department must complete ((an)) evaluations by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the proportionate emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

(5) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other jurisdictions. Therefore, the legislature finds that implementation of this section is contingent upon the enactment of RCW 70A.65.110.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023. The department shall by rule require that covered or opt-in entities annually transfer a percentage of compliance instruments, but must fully satisfy their compliance obligation, for each compliance period.

(2) Compliance occurs through the transfer of the required compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in RCW 70A.65.080.

(3)(a) A covered entity may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in RCW 70A.65.200.

(4) Older vintage allowances must be retired before newer vintage allowances.

(5) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet

its compliance obligation, the department shall retire the allowances or offset credits.

**Sec. 3.** RCW 70A.65.100 and 2021 c 316 s 12 are each amended to read as follows:

(1) Except as provided in RCW 70A.65.110, 70A.65.120, and 70A.65.130, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$127,341,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$356,697,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$366,558,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$359,117,000 per year must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed \$5,200,000,000 over the first 16 fiscal years and any remaining auction proceeds must be deposited into the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Records containing the following information are confidential and are exempt from public disclosure in their entirety:

(a) Bidding information as identified in subsection (8) of this section;

(b) Information contained in the secure, online electronic tracking system established by the department pursuant to RCW 70A.65.090(6);

(c) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the department pursuant to this chapter;

(d) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the independent contractor or the financial services administrator engaged by the department pursuant to subsection (3) of this section; and

(e) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to a jurisdiction with which the department has entered into a linkage agreement pursuant to RCW 70A.65.210, and which is shared with the department, the independent contractor, or the financial services administrator pursuant to a linkage agreement.

(10) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

((11)) (11) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

((11)) (12) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under RCW 70A.65.110, 70A.65.120, and 70A.65.130 in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

**Sec. 4.** RCW 70A.65.200 and 2021 c 316 s 23 are each amended to read as follows:

(1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall

FIFTY SEVENTH DAY, MARCH 7, 2022

issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to \$10,000 per day per violation, or both, for failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to \$50,000 per day per violation for violations of RCW 70A.65.100(8) (a) through (e).

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to \$10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in RCW 70A.65.250.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a ((program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter)) greenhouse gas pricing or market-based emissions cap and reduce program for stationary sources, or adopt or enforce emission limitations on greenhouse gas emissions from stationary sources except as:

(i) Provided in this chapter;

(ii) Authorized or directed by a state statute in effect as of July 1, 2022; or

(iii) Required to implement a federal statute, rule, or program.

(c) This chapter preempts the provisions of chapter 173-442 WAC, and the department shall repeal chapter 173-442 WAC.

(10)(a) By December 1, 2023, the office of financial management must submit a report to the appropriate committees of the legislature that summarizes two categories of state laws other than this chapter:

(i) Laws that regulate greenhouse gas emissions from stationary sources, and the greenhouse gas emission reductions attributable to each chapter, relative to a baseline in which this chapter and all other state laws that regulate greenhouse gas emissions are presumed to remain in effect; and

(ii) Laws whose implementation may effectuate reductions in greenhouse gas emissions from stationary sources.

(b) The state laws that the office of financial management may address in completing the report required in this subsection include, but are not limited to:

(i) Chapter 19.27A RCW;

(ii) Chapter 19.280 RCW;

(iii) Chapter 19.405 RCW;

(iv) Chapter 36.165 RCW;

(v) Chapter 43.21F RCW;

(vi) Chapter 70.30 RCW;

(vii) Chapter 70A.15 RCW;

(viii) Chapter 70A.45 RCW;

(ix) Chapter 70A.60 RCW;

(x) Chapter 70A.535 RCW;

(xi) Chapter 80.04 RCW;

(xii) Chapter 80.28 RCW;

(xiii) Chapter 80.70 RCW;

(xiv) Chapter 80.80 RCW; and

(xv) Chapter 81.88 RCW.

(c) The office of financial management may contract for all or part of the work product required under this subsection.

**Sec. 5.** RCW 70A.65.020 and 2021 c 316 s 3 are each amended to read as follows:

(1) To ensure that the program created in RCW 70A.65.060 through 70A.65.210 achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, which may be accomplished through the department's process to identify overburdened communities under chapter ((314, Laws of 2021)) 70A.02 RCW;

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with local air pollution control authorities, must:

(i) Establish air quality targets to achieve air quality consistent with whichever is more protective for human health:

(A) National ambient air quality standards established by the United States environmental protection agency; or

(B) The air quality experienced in neighboring communities that are not identified as overburdened;

(ii) Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;

(iii) Achieve the reduction targets through adoption of emission control strategies or other methods;

(iv) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(v) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants under (b)(iv) of this subsection, issue an enforceable order or the local

air authority must issue an enforceable order, as authorized under RCW 70A.15.1100, as necessary to comply with the stricter standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(iv) of this subsection.

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community.

(3) An eligible facility sited after July 25, 2021, that receives allowances under RCW 70A.65.110 must mitigate increases in ((its emissions of)) particulate matter in overburdened communities due to its emissions.

(4)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter ((314, Laws of 2021)) 70A.02 RCW. The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

**Sec. 6.** RCW 70A.65.150 and 2021 c 316 s 17 are each amended to read as follows:

(1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish ((an auction ceiling)) a reserve auction floor price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction ((approach)) exceed the adopted ((auction ceiling)) reserve auction floor price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under RCW 70A.65.140(5) are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in RCW 70A.65.100 and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

**Sec. 7.** RCW 70A.65.160 and 2021 c 316 s 18 are each amended to read as follows:

(1) The department shall establish a price ceiling to provide cost protection for ((facilities)) covered entities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the ((price floor)) reserve auction floor price established in RCW 70A.65.150(1).

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the number of price ceiling units for sale sufficient to provide cost protection for ((facilities)) covered entities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the ((next)) current compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) ((Funds raised in connection with the sale of price ceiling units)) The price ceiling unit emission reduction investment account is created in the state treasury. All receipts from the sale of price ceiling units must be deposited in the account. Moneys in the account may only be spent after appropriation. Moneys in the account must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

**Sec. 8.** RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and the air quality and health disparities improvement account created in RCW 70A.65.280, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter ((314, Laws of 2021)) 70A.02 RCW; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of ((highly impacted)) overburdened communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the overburdened community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

(5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

**Sec. 9.** RCW 70A.15.2200 and 2021 c 316 s 33 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with

registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ((ten million)) 10,000,000 bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed ((ten thousand)) 10,000 metric tons of carbon dioxide equivalent annually. The rules adopted by the department must support implementation of the program created in RCW 70A.65.060. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by March 31st of the year in which the report is due, except for

an electric power entity, which must submit its report by June 1st of the year in which the report is due.

(b)(i) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress, by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to RCW 70A.65.210. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature.

(ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ((ten thousand)) 10,000 metric tons carbon dioxide equivalent annually.

(iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c)(i) The department shall review and if necessary update its rules whenever:

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement.

(ii) The department shall not amend its rules in a manner that conflicts with this section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements. When a person that holds a compliance obligation under RCW 70A.65.080 fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g)(i) The department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under RCW 70A.65.080 in any year of the current compliance period. The

department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to RCW 70A.65.180 in cases where the department deems that the methods or procedures are substantively similar.

(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in RCW 70A.65.010, not otherwise included here.

**Sec. 10.** RCW 70A.65.010 and 2021 c 316 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Best available technology" means a technology or technologies that will achieve the greatest reduction in greenhouse gas emissions, taking into account the fuels, processes, and equipment used by facilities to produce goods of comparable type, quantity, and quality. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(11) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of municipal wastewater and industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(12) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(13) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(14) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization and direct air capture and storage.

(15) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(16) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(17) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(18) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its

greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(19) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in entity's covered emissions during the compliance period.

(20) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(21) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(22) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under RCW 70A.65.080.

(23) "Covered entity" means a person that is designated by the department as subject to RCW 70A.65.060 through 70A.65.210.

(24) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.02.010.

(25) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(26) "Department" means the department of ecology.

(27) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under RCW 70A.65.080(1)(c);

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(28) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(29) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(30) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(31) "Environmental benefits" has the same meaning as defined in RCW 70A.02.010.

(32) "Environmental harm" has the same meaning as defined in RCW 70A.02.010.

(33) "Environmental impacts" has the same meaning as defined in RCW 70A.02.010.

(34) "Environmental justice" has the same meaning as defined in RCW 70A.02.010.

(35) "Environmental justice assessment" has the same meaning as identified in RCW 70A.02.060.

(36) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(37) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(38) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(39) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(40) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(41) "Holding limit" means the maximum number of allowances that may be held for use or trade by a registered entity at any one time.

(42) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified

electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(43) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(44) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(45) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(46) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(47) "Linked jurisdiction" means a jurisdiction with which Washington has entered into a linkage agreement.

(48) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(49) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(50) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(51) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(52) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(53) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(54) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through multiple pathways, which may result in significant disparate adverse health outcomes or effects.

(a) "Overburdened community" includes, but is not limited to:

(i) Highly impacted communities as defined in RCW 19.405.020;

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(ii) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(iii) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(b) Overburdened communities identified by the department may include the same communities as those identified by the department through its process for identifying overburdened communities under RCW 70A.02.010.

(55) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(56) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(57) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(58) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(59) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(60) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(61) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(62) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(63) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(64) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(65) "Tribal lands" has the same meaning as defined in RCW 70A.02.010.

(66) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(67) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be

sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(68) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

**Sec. 11.** RCW 70A.65.140 and 2021 c 316 s 16 are each amended to read as follows:

(1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. ((In the event that)) If a jurisdiction with which the department ((has entered)) might enter into a linkage agreement has no emissions containment trigger price, the department ((shall)) may suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under RCW 70A.65.100;

(c) When facilities curtail or close consistent with RCW 70A.65.110(6); or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

**Sec. 12.** RCW 70A.65.170 and 2021 c 316 s 19 are each amended to read as follows:

(1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under this chapter ((316, Laws of 2021)). The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry ((after July 25, 2021, or within two years prior to July 25, 2021)).

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection.

(i) No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period.

(ii) No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in RCW 70A.65.200; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used ((may not) must:

(a) Not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under RCW 70A.65.070;

(b) Have been issued for reporting periods wholly after July 25, 2021, or within two years prior to July 25, 2021; and

(c) Be consistent with offset protocols adopted by the department.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3)(b) and (e)(ii) of this section apply unless modified by rule as adopted by the department after a public consultation process.

**Sec. 13.** RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a

FIFTY SEVENTH DAY, MARCH 7, 2022

reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter ((314, Laws of 2021)) 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

**Sec. 14.** RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060 through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and ((from)) the climate investment account created in RCW 70A.65.250.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the

climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

**Sec. 15.** RCW 70A.02.110 and 2021 c 314 s 20 are each amended to read as follows:

(1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 14 members, except as provided in RCW 70A.65.040(3), appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor, plus two tribal members as specified in RCW 70A.65.040. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice;

(d)(i) One representative of a business that is regulated by a covered agency and whose ordinary business conditions are significantly affected by the actions of at least one other covered agency; and

(ii) One representative who is a member or officer of a union representing workers in the building and construction trades; and

(e) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an

executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in RCW 70A.02.090 for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency performance in meeting the requirements of chapter 314, Laws of 2021 for purposes of communicating progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW 70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental justice assessments pursuant to RCW 70A.02.060 for significant agency actions;

(ii) Shall make recommendations to covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under RCW 70A.02.060;

(iii) Shall make recommendations to covered agencies:

(A) On the identification and prioritization of overburdened communities under this chapter; and

(B) Related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement RCW 70A.02.040 through 70A.02.080; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under RCW 70A.02.090, the council must:

(i) Evaluate the progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with chapter 314, Laws of 2021, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section; and

(e) To fulfill the responsibilities established for the council in RCW 70A.65.040.

(10) By November 30, 2023, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under RCW 70A.02.090(1), including the status of agency plans for performing environmental justice assessments required by RCW 70A.02.060; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW 70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation;

(e) Provide requested assistance to state agencies other than covered agencies that wish to incorporate environmental justice principles into agency activities; and

(f) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Carlyle moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5842.

Senators Carlyle and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5842.

The motion by Senator Carlyle carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5842 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5842, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5842, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Solomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Fortunato, Holy, Honeyford, McCune, Muzzall, Padden, Schoesler, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5847 with the following amendment(s): 5847-S.E AMH APP H2798.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that our country faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted

towards the definition of full time for the public service loan forgiveness program as set forth in 34 C.F.R. Sec. 685.219.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall:

(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in section 1 of this act.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in section 4 of this act may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.04 RCW to read as follows:

(1) As soon as available, a state agency shall provide the materials described in section 2 of this act in written or electronic form to:

(a) All employees annually;

(b) Newly hired employees within 30 days of the employee's first day of employment.

(2) A state agency must certify employment for the purposes of the public service loan forgiveness program in accordance with the program established in section 3 of this act beginning July 1, 2023.

(a) If a state agency does not directly certify employment with the United States department of education, the state agency must annually provide notice of renewal and a copy of the public service loan forgiveness form with employer information and employment certification sections of the form already completed reflecting at least the last 12 months of employment to:

(i) An employee who requests a public service loan forgiveness form;

(ii) Any current employee for whom the state agency has previously certified employment, unless the employee has opted out; and

(iii) An employee upon separation from service or employment, unless the employee has opted out. The notice of renewal and completed employer sections of the public service loan forgiveness form provided to a separated employee must be sent within 60 days of separation and are exempted from the annual requirement set forth in subsection (2)(a) of this section.

(b) A state agency shall not unreasonably delay in certifying employment.

(c) A state agency must seek permission from its employees prior to certifying their employment.

(d) Institutions of higher education must use the calculation established in section 5 of this act and may apply it retroactively to determine whether a part-time academic employee is considered full time for the public service loan forgiveness program.

(e) A state agency may send the information necessary for public service loan forgiveness employment certification to the United States department of education, or its agents, if the United

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION  
BERNARD DEAN, Chief Clerk

States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly, notwithstanding other provisions of law.

(f) The office of financial management is authorized to adopt rules for the purpose of this section.

(3) An employee of a state agency may opt out of the employment certification process established in section 3 of this act at any time.

(4) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form.

(b) "Full time" has the same meaning as set forth in 34 C.F.R. Sec. 685.219.

(c) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(d) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(e) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.04 RCW to read as follows:

For the purpose of determining whether a part-time academic employee at an institution of higher education is considered full time for certifying employment for the public service loan forgiveness program, duties performed in support of, or in addition to, contractually assigned in-class teaching hours must be included. To calculate this, each hour of in-class teaching time shall be multiplied by 3.35 hours. This section shall not supersede any calculation or adjustment established by a collective bargaining agreement or employer policy for additional work done outside of in-class teaching. An institution of higher education shall not treat any adjusted total hours worked differently from hours worked without an adjustment when determining whether an employee is full time. "Institution of higher education" has the same meaning as "institutions of higher education" in RCW 28B.10.016.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5847.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5847.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5847 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5847, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5847, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5847, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5855 with the following amendment(s): 5855 AMH VALD ZOLL 221

On page 1, line 21, after "individual." insert "For example, expenses for child care or other direct caregiving responsibilities may be reimbursed if they are incurred directly as a result of the candidate's campaign activities."

On page 2, beginning on line 12, strike all of subsection (4)

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Lovelett moved that the Senate concur in the House amendment(s) to Senate Bill No. 5855.

Senator Lovelett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lovelett that the Senate concur in the House amendment(s) to Senate Bill No. 5855.

The motion by Senator Lovelett carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5855 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5855, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5855, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Fortunato, Honeyford, Mullet and Padden

SENATE BILL NO. 5855, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5868 with the following amendment(s): 5868 AMH FIN H2858.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2012 c 225 s 4 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between ~~((sixty))~~ 60 and ~~((one hundred))~~ 100 persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue must perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section may only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040, or provide affordable workforce housing infrastructure or facilities. For those counties that do not have an adopted overall economic development plan and do not plan under the growth

management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county, or provide affordable workforce housing infrastructure or facilities.

(b) In implementing this section, the county must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section must report, as follows, to the office of the state auditor, within ~~((one hundred fifty))~~ 150 days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW 43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, ~~((and))~~ port facilities in the state of Washington, or affordable workforce housing infrastructure or facilities.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county, including affordable workforce housing infrastructure or facilities.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(iv) "Affordable workforce housing infrastructure or facilities" means housing infrastructure or facilities that a qualifying provider uses for housing for a single person, family, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located.

(v) "Qualifying provider" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation.

(4) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than ~~((twenty five))~~ 25 years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is ~~((twenty five))~~ 25 years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than ~~((one hundred))~~ 100 persons per square mile or a county smaller than ~~((two hundred twenty five))~~ 225 square miles as determined by the office of financial

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

management and published each year by the department for the period July 1st to June 30th."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Hawkins moved that the Senate concur in the House amendment(s) to Senate Bill No. 5868.

Senators Hawkins and Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hawkins that the Senate concur in the House amendment(s) to Senate Bill No. 5868.

The motion by Senator Hawkins carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5868 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5868, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5868, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Hasegawa, Honeyford, McCune, Mullet and Schoesler

SENATE BILL NO. 5868, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5878 with the following amendment(s): 5878-S.E AMH ENGR H2797.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Washington state has long led the way in creating arts education policy. Washington state was one of the first states to adopt visual and performing arts graduation requirements. Our state has a two-credit visual and performing arts graduation requirement, although the second credit may be waived in certain circumstances. Our state has also been a leader by formally declaring the arts including dance, music, theatre, visual arts, and media as core content areas in the definition of basic education. However, there is a very large gap between policy and practice in our state. While most high schools offer a range of arts courses, it is not uncommon for middle schools to offer only one of the arts, usually music, and for elementary schools to offer no formal arts instruction at all,

during the regular school day. When arts instruction is offered, it is often as an extracurricular activity, a volunteer docent program, or as a program which meets far less often than other core subjects do. Further, students who perform poorly on standardized tests in math and English often have what little arts instruction they would normally receive taken away, in favor of remediation in the test subject areas. Our students who live in low socioeconomic areas tend to perform worse on standardized tests. As a result, poorer students in our state tend to be denied arts instruction at a higher rate than students from economically stable homes and neighborhoods. The evidence of the multiple benefits of arts education is voluminous and undeniable. The arts are not only a vehicle for doing better at other subjects; they have immense value in their own right and should be taught as stand-alone disciplines, the way our laws and policies are written.

(2) The legislature intends to clarify, for schools and school districts, the importance of arts education and to bring our schools' practices in line with our state and federal laws and policies, and the promises made to our communities, by ensuring formal instruction in the core disciplines of visual and performing arts for all Washington students, regardless of their family's socioeconomic status or the relative affluence of the neighborhood in which they live. The legislature recognizes and supports that the best practice is for basic education courses, including the arts, to be taught by certificated teachers who are qualified through an endorsement to teach in the subject area of the course. However, the legislature acknowledges that there is a shortage of arts endorsed teachers in Washington, so intends to allow arts instruction to also be provided by certificated teachers actively pursuing an endorsement in the relevant arts discipline.

**Sec. 2.** RCW 28A.230.020 and 2013 c 23 s 48 are each amended to read as follows:

All common schools shall give instruction in reading, handwriting, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, visual and performing arts, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule of the superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) Beginning with the 2023-24 school year, school districts with more than 200 enrolled students shall offer regular instruction in at least one visual art or at least one performing art, throughout the school year. Each student must receive instruction in at least one arts discipline throughout their elementary and middle education experience. For grades nine through 12, all students must be given the opportunity to take arts coursework each academic year.

(2) Every student must have access to arts education, as part of basic education under RCW 28A.150.210. Arts instruction must be accessible by all students, in a manner that is commensurate with instruction in other core subject areas.

(3)(a) Except as provided in (b) of this subsection, arts instruction must be provided by either: A certificated teacher with an endorsement in the relevant arts discipline; or a certificated

teacher actively pursuing an endorsement in the relevant arts discipline.

(b) A person holding a limited teaching certificate may provide arts instruction while either: (i) The school district recruits and hires a certificated teacher with the qualifications provided in (a) of this subsection; or (ii) the certificated teacher with qualifications provided in (a) of this subsection takes leave as provided in the school district's written leave policy required by RCW 28A.400.300.

(4) Instruction under this section must be solely for the arts discipline in the skills and craft of each specific arts discipline as their own end, rather than as a vehicle to enhance learning in any other nonarts subject area. If schools wish to integrate or infuse the arts into other subject matter, they must do so in addition to the regular, formal arts instruction required by this section.

(5) The arts instructors in each school district, as subject matter experts, shall be consulted to determine which specific visual and performing arts courses to offer at given grade levels, so that instruction is properly aligned to state learning standards in the arts and students' developmental stages and vertically aligned to give arts-focused students the best chance for success in their arts college or career pathway.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.710 RCW to read as follows:

Section 3 of this act, related to arts instruction, governs school operation and management under RCW 28A.710.040 and applies to charter schools with more than 200 enrolled students established under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.715 RCW to read as follows:

Section 3 of this act, related to arts instruction, governs school operation and management under RCW 28A.715.020 and applies to state-tribal education compact schools with more than 200 enrolled students established under this chapter."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5878.

Senators Wellman and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5878.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5878 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5878, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5878, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles,

Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5878, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5017,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5078,  
SENATE BILL NO. 5196,  
SECOND ENGROSSED SUBSTITUTE  
SENATE BILL NO. 5275,  
SENATE BILL NO. 5505,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5548,  
SUBSTITUTE SENATE BILL NO. 5590,  
SENATE BILL NO. 5615,  
SENATE BILL NO. 5624,  
SUBSTITUTE SENATE BILL NO. 5678,  
SECOND SUBSTITUTE SENATE BILL NO. 5736,  
SUBSTITUTE SENATE BILL NO. 5745,  
SENATE BILL NO. 5750,  
SUBSTITUTE SENATE BILL NO. 5756,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5758,  
SUBSTITUTE SENATE BILL NO. 5785,  
And SENATE BILL NO. 5787.

#### MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5883 with the following amendment(s): 5883-S AMH MOSB WICM 544

On page 7, after line 22, insert the following:

"(f) During a visit with an unaccompanied homeless youth who provides informed consent authorized under this subsection (3), a primary care provider as defined under RCW 74.09.010 shall use existing best practices that align with any guidelines developed by the office of crime victims advocacy established in RCW 43.280.080 and the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 designed to identify:

(i) Whether the unaccompanied homeless youth may be a victim of human trafficking; and

(ii) Potential referral to additional services, the department of children, youth, and families, or law enforcement."

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Trudeau moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5883.

Senator Trudeau spoke in favor of the motion.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Trudeau that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5883.

The motion by Senator Trudeau carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5883 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5883, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 3, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5929 with the following amendment(s): 5929 AMH JACO SERE 180

On page 4, after line 2, insert the following:

"Sec. 2. RCW 74.08A.510 and 2018 c 126 s 4 are each amended to read as follows:

(1) To assist the task force established in RCW 74.08A.505, there is created the intergenerational poverty advisory committee.

(2) The advisory committee must include diverse, statewide representation from public, nonprofit, and for-profit entities. The committee membership must reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(3) Members of the advisory committee are appointed by the secretary, with the approval of the task force.

(4) The advisory committee must include representatives from:

(a) Advocacy groups that focus on childhood poverty issues;

(b) Advocacy groups that focus on education and early childhood education issues;

(c) Academic experts in childhood poverty, education, or early childhood education issues;

(d) Faith-based organizations that address childhood poverty, education, or early childhood education issues;

(e) Tribal governments;

(f) Families impacted by poverty;

(g) Local government representatives that address childhood poverty or education issues;

(h) The business community;

(i) A group representing accredited financial counselors;

(j) A subject matter expert in infant mental health;

((j)) (k) The department of children, youth, and families; and  
(((k))) (l) The department.

(5) Each member of the advisory committee is appointed for a four-year term unless a member is appointed to complete an unexpired term. The secretary may adjust the length of term at the time of appointment or reappointment so that approximately one-half of the advisory committee is appointed every two years.

(6) The secretary may remove an advisory committee member:

(a) If the member is unable or unwilling to carry out the member's assigned responsibilities; or

(b) For good cause.

(7) If a vacancy occurs in the advisory committee membership for any reason, a replacement may be appointed for the unexpired term.

(8) The advisory committee shall choose cochairs from among its membership. The secretary shall convene the initial meeting of the advisory committee.

(9) A majority of the advisory committee constitutes a quorum of the advisory committee at any meeting and the action of the majority of members present is the action of the advisory committee.

(10) The advisory committee shall:

(a) Meet quarterly at the request of the task force cochairs or the cochairs of the advisory committee;

(b) Make recommendations to the task force on how the task force and the state can effectively address the needs of children affected by intergenerational poverty and achieve the purposes and duties of the task force as described in RCW 74.08A.505;

(c) Ensure that the advisory committee's recommendations to the task force are supported by verifiable data; and

(d) Gather input from diverse communities about the impact of intergenerational poverty on outcomes such as education, health care, employment, involvement in the child welfare system, and other related areas.

(11) The department shall provide staff support to the advisory committee and shall endeavor to accommodate the participation needs of its members. Accommodations may include considering the location and time of committee meetings, making options available for remote participation by members, and convening meetings of the committee in locations with proximity to available child care whenever feasible.

(12) Members of the advisory committee may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5929.

Senators Wilson, C. and Gildon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Senate Bill No. 5929.

The motion by Senator Wilson, C. carried, and the Senate concurred in the House amendment(s) to Senate Bill No. 5929 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5929, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5929, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Trudeau, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sefzik, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5929, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5961 with the following amendment(s): 5961-S AMH SHEW STEP 011

On page 1, line 7, after "projects" insert "that are public works,"

On page 1, line 21, after "standards;" strike "and" and insert "or"

On page 2, line 14, after "environment" insert ", derived from biomass waste materials including forest, agricultural, yard, urban wood, food, and biosolid residuals"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Sefzik moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5961.

Senator Sefzik spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sefzik that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5961.

The motion by Senator Sefzik carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5961 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5961, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5961, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5961, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5268 with the following amendment(s): 5268-S.E AMH APP H2923.1

Strike everything after the enacting clause and insert the following:

**"Part 1: Increase the Capabilities of Community Residential Settings and Services**

NEW SECTION. **Sec. 1.** (1) The legislature finds that the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services" and recommendations in the 2021 preliminary report of the joint executive and legislative task force established in chapter 317, Laws of 2020 are the product of deliberations among a diverse and dedicated group of stakeholders and are critical to advancing the continuum of care for individuals with developmental disabilities.

(2) The legislature intends to continue efforts to expand community residential settings and supports with the goals of reducing the risk of federal divestment from Washington's intermediate care facilities and delivering appropriate care to clients of the developmental disabilities administration. To that end, the legislature finds that a reliable network of community providers is critical to meeting these goals and that community residential rates must be established at appropriate levels to ensure that individuals with intellectual and developmental disabilities have community residential options that appropriately address their needs and ensure stable, permanent outcomes.

(3) The legislature also finds that it is imperative that internal processes within the department of social and health services, including those that guide eligibility determinations, assess hours of service delivery, and measure quality of providers, be examined to ensure that these systems function in the most streamlined and efficient manner with the goal of achieving a system that has greater consistency with regard to expectations and requirements of providers and that is structured to be more person-centered and user-friendly at interface.

**Sec. 2.** RCW 43.88C.010 and 2021 c 334 s 975 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each

FIFTY SEVENTH DAY, MARCH 7, 2022

three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) ~~(The)~~ By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in

state-operated living alternatives administered by the developmental disabilities administration.

~~(12)~~ (12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

~~((14))~~ (13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

~~((12))~~ (14) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((13))~~ (15) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.18 RCW to read as follows:

(1) Expenditures for the individual and family services waiver and the basic plus waiver administered under Title 71A RCW must be considered by the governor and the legislature for inclusion in maintenance level budgets beginning with the governor's budget proposal submitted in December 2022 and funding for these expenditures are subject to amounts appropriated for this specific purpose. The department of social and health services must annually submit a budget request for these expenditures.

(2) Beginning with the governor's budget proposal submitted in December 2022 and within the department's existing appropriations, the department of social and health services must annually submit a budget request for expenditures for the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration under Title 71A RCW.

NEW SECTION. Sec. 4. (1) With consideration to legislative intent to expand community residential settings, and within the department's existing appropriations, the department of social and health services shall examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. No later than October 1, 2022, the department of social and health services must submit a preliminary report to the governor and the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, includes the average length of stay for clients residing in state-operated intermediate care facilities, and recommends whether or not an increase to respite hours is needed. A progress report is due on October 1, 2023, and a final report of this information shall be submitted no later than October 1, 2024.

(2) This section expires January 1, 2025.

NEW SECTION. Sec. 5. (1) The department of social and health services must contract with a private vendor for a study of Medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(a) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(b) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(c) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring.

(2) This section expires January 31, 2024.

**NEW SECTION. Sec. 6.** (1) With consideration to legislative intent to expand community residential settings and within the department's existing appropriations, the department of social and health services shall submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(a) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(b) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(c) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan.

(2) This section expires January 31, 2024.

**NEW SECTION. Sec. 7.** (1) Within the department's existing appropriations, and no later than June 30, 2023, the department of social and health services in collaboration with appropriate stakeholders shall develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities. The department of social and health services must submit a report of these activities to the governor and the legislature no later than June 30, 2023.

(2) This section expires July 31, 2023.

**NEW SECTION. Sec. 8.** (1) The joint legislative audit and review committee shall:

(a) Review the developmental disabilities administration's existing processes and staffing methodology used for determining eligibility, assessing for eligibility, delivering services, and managing individuals who are waiting for services;

(b) Review best practices from other states regarding eligibility determination, eligibility assessment, service delivery, management of individuals who are waiting for services, and staffing models; and

(c) Identify options for streamlining the eligibility, assessment, service delivery, and management of individuals who are waiting for services processes and the potential staffing impacts.

(2) The joint legislative audit and review committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2024.

(3) This section expires January 31, 2025.

### **Part 2: Improve Cross-System Coordination**

**NEW SECTION. Sec. 9.** An individual's disability will often overshadow other medical or functional needs which can result in missed connections and poor outcomes. It is the intent of the legislature that cross-system coordination involving individuals with intellectual and developmental disabilities be improved to ensure that these individuals receive the appropriate types of services and supports when they are needed to adequately address mental health conditions, medical conditions, individual preferences, and the natural aging process.

**NEW SECTION. Sec. 10.** (1) Within the department's existing appropriations, the department of social and health services shall work with the developmental disabilities council to:

(a) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with co-occurring intellectual and developmental disabilities and mental health conditions;

(b) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(c) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(d) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision-making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate.

(2) Within the department's existing appropriations, the department of social and health services shall work with the health care authority and Washington state's managed care organizations to establish the necessary agreements for intellectual and developmental disabilities clients who live in the community to access intermediate care facility-based professionals to receive care covered under the state plan. The department of social and health services must consider methods to deliver these services at mobile or brick-and-mortar clinical settings in the community.

(3) No later than December 1, 2022, the department of social and health services shall submit a report describing the efforts outlined in subsections (1) and (2) of this section and any recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(4) This section expires January 31, 2023.

### **Part 3: Redesign State-Operated Intermediate Care Facilities to Function as Short-Term Crisis Stabilization and Intervention**

**NEW SECTION. Sec. 11.** It is the intent of the legislature that intermediate care facilities be redesigned from long-term care settings to settings that support short-term crisis stabilization and intervention and that, in order to achieve stable, permanent placements in the least restrictive settings possible, an infrastructure of procedures be developed to ensure that individuals placed in intermediate care settings remain in that setting no longer than is absolutely necessary.

**NEW SECTION. Sec. 12.** (1) Within the department of social and health services' existing appropriations, the developmental disabilities administration must develop procedures that ensure that:

(a) Clear, written, and verbal information is provided to the individual and their family member that explains:

(i) That placement in the intermediate care facility is temporary; and

(ii) What constitutes continuous aggressive active treatment and its eligibility implications;

(b) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(c) When stabilization services are available in the community, the individual is presented with the option to receive those services in the community prior to being offered services in a state-operated intermediate care facility; and

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(d) When the individual has not achieved crisis stabilization after 60 consecutive days in the state-operated intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's care plan.

(2) Subject to funding appropriated specifically for this purpose, the department of social and health services must expand the number of family mentors and establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning.

(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community residential services while the individual is receiving stabilization services in a state-operated intermediate care facility. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day vacancy payment for individuals who are transferred from the community residential service provider to a state-operated intermediate care facility for stabilization services; and

(b) Utilize client resources or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer to a state-operated intermediate care facility for stabilization services.

(4) No later than November 1, 2022, the department of social and health services must submit a report describing the efforts outlined in subsections (1) through (3) of this section and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(5) This section expires January 31, 2023.

**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5268.

Senators Keiser and Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5268.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5268 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House, and

the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed SENATE BILL NO. 5498 with the following amendment(s): 5498 AMH ED MOET 115

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature affirms its statutory assertion that the purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(2) The legislature finds that, on rare occasions and due to unforeseen circumstances, school districts may wish to provide recognition of a student's status of being on-track to graduate, which is interrupted by an untimely passing that prevents the completion of the secondary education program. In these limited instances, school districts should have discretion to issue a posthumous high school diploma with an "honoris causa" inscription.

(3) The legislature recognizes that the authority to issue a high school diploma properly rests with the local school district and its determination of whether a student has met the applicable state and local graduation requirements. The legislature finds, however, that establishing uniform requirements governing the issuance of posthumous diplomas by school districts will promote the proper and effective administration of the public education system.

(4) The legislature, therefore, intends to authorize school districts to issue posthumous high school diplomas for qualifying students and in accordance with delineated requirements that promote local discretion, consistent administration, and the acknowledgement of academic achievements that were prematurely interrupted by the student's untimely passing.

**Sec. 2.** RCW 28A.230.120 and 2008 c 185 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States; and

(ii) Left high school before graduation to serve in World War II, the Korean conflict, or the Vietnam era as defined in RCW 41.04.005.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

(4)(a) A school district, at the request of the parent, guardian, or custodian, may issue a posthumous high school diploma for a deceased student if the student:

(i) Was enrolled in a public school of the district at the time of death;

(ii) Was deemed on-track for graduation before the time of death; and

(iii) Died after matriculating into high school.

(b) A high school diploma issued under this subsection (4) must bear the inscription "honoris causa" and may not be issued before the graduation date of the class in which the student was enrolled.

(c) Nothing in this subsection (4):

(i) Obligates school districts to award a diploma for a deceased student at the same ceremony or event as other graduating students; or

(ii) Limits the retroactive issuance of a high school diploma.

(d) Diplomas issued under this subsection (4) may not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.

NEW SECTION. Sec. 3. This act may be known and cited as Evitan's law."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5498.

Senators Wilson, C. and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Senate Bill No. 5498.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5498 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5498, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5498, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5498, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5749 with the following amendment(s): 5749-S AMH GILY SERE 181

On page 1, line 8, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 1, line 9, after "mail" strike "or at" and insert "unless the landlord provides"

On page 3, line 27, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 3, line 28, after "mail" strike "or at" and insert "unless the landlord provides"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Trudeau moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5749.

Senator Trudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Trudeau that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5749.

The motion by Senator Trudeau carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5749 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5749, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short,

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796 with the following amendment(s): 5796-S2.E AMH ENGR H2967.E

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 69.50.530 and 2018 c 299 s 909 are each amended to read as follows:

The dedicated (~~(marijuana)~~) cannabis account is created in the state treasury. All moneys received by the (~~(state liquor and cannabis)~~) board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. (~~(During the 2015-2017 and 2017-2019 fiscal biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.)~~)

**Sec. 2.** RCW 69.50.540 and 2021 c 334 s 986 are each amended to read as follows:

(~~The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:~~)

(1) For the purposes (~~(listed in)~~) of this subsection (1), the legislature must appropriate (~~(to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as)~~) the amounts provided in this subsection:

(a) (~~One hundred twenty five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;~~)

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost benefit evaluation and produce

the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(e) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million four hundred fifty three thousand dollars for fiscal year 2020 and two million four hundred twenty three thousand dollars for fiscal years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty five thousand dollars for fiscal year 2020, four hundred sixty four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty five thousand dollars for fiscal year 2020, six hundred thirty five thousand dollars for fiscal year 2021, six hundred twenty one thousand dollars for fiscal year 2022, and six hundred twenty seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and

(j) One hundred sixty three thousand dollars for fiscal year 2022 and one hundred fifty nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under Engrossed Substitute House Bill No. 1443 (cannabis industry/equity) [chapter 169, Laws of 2021]; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services

for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty five million five hundred thirty six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(H) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(HH) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six tenths of one percent to the University of Washington and four tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2023-2025 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter)) \$12,500,000 annually to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(b) \$11,000,000 annually to the department of health for the following:

(i) Creation, implementation, operation, and management of a cannabis, vapor product, and commercial tobacco education and public health program that contains the following:

(A) A cannabis use public health hotline that provides referrals to substance abuse treatment providers, uses evidence-based or research-based public health approaches to minimizing the harms associated with cannabis use, and does not solely advocate an abstinence-only approach;

(B) Programs that support development and implementation of coordinated intervention strategies for the prevention and reduction of commercial tobacco, vapor product, and cannabis use by youth and cannabis cessation treatment services, including grant programs to local health departments or other local community agencies;

(C) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and

FIFTY SEVENTH DAY, MARCH 7, 2022

scientifically accurate information about the health and safety risks posed by cannabis use; and

(D) Outreach to priority populations regarding commercial tobacco, vapor product, and cannabis use, prevention, and cessation; and

(ii) The Washington poison control center;

(c)(i) \$3,000,000 annually to the department of commerce to fund cannabis social equity grants under RCW 43.330.540; and

(ii) \$200,000 annually to the department of commerce to fund technical assistance through a roster of mentors under RCW 43.330.540;

(d) \$200,000 annually, until June 30, 2032, to the health care authority to contract with the Washington state institute for public policy to conduct the cost-benefit evaluations and produce the reports described in RCW 69.50.550;

(e) \$25,000 annually to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by cannabis use;

(f) \$300,000 annually to the University of Washington and \$175,000 annually to the Washington State University for research on the short-term and long-term effects of cannabis use to include, but not be limited to, formal and informal methods for estimating and measuring intoxication and impairments, and for the dissemination of such research;

(g) \$550,000 annually to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW;

(h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal year 2023 to the Washington state patrol for a drug enforcement task force;

(i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year 2023 to the department of ecology for implementation of accreditation of cannabis product testing laboratories;

(j) \$800,000 for each of fiscal years 2020 through 2023 to the department of health for the administration of the cannabis authorization database; and

(k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in cannabis.

(2) Subsections (1)(a) through (g) of this section must be adjusted annually based on the United States bureau of labor statistics' consumer price index for the Seattle area.

(3) After appropriation of the amounts identified in subsection (1) of this section, the legislature must annually appropriate such remaining amounts for the purposes listed in this subsection (3) as follows:

(a) Fifty-two percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(b) Eleven percent to the health care authority to:

(i) Design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this

subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(ii) Develop, implement, maintain, and evaluate programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the diagnostic and statistical manual of mental disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women. In deciding which programs and practices to fund under this subsection (3)(b)(ii), the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute; and

(iii) Contract with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(c)(i) One and one-half percent to counties, cities, and towns where licensed cannabis retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (3)(c)(i) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed cannabis retailers physically located in each jurisdiction. For purposes of this subsection (3)(c), 100 percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town;

(ii) Three and one-half percent to counties, cities, and towns ratably on a per capita basis. Counties must receive 60 percent of the distribution based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed cannabis producer, processor, or retailer;

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount made under this subsection (3)(c), if any, for each county and city as determined in (c)(i) and (ii) of this subsection; and

(iv) Distribution amounts allocated to each county, city, and town in (c)(i) and (ii) of this subsection must be distributed in four installments by the last day of each fiscal quarter; and

(d) Thirty-two percent must be deposited in the state general fund.

**NEW SECTION. Sec. 3.** The joint legislative audit and review committee shall conduct a review of the appropriation and expenditure of cannabis revenues pursuant to RCW 69.50.540 and report to the appropriate legislative committees by December 1, 2023. The report shall include an examination on the appropriation and expenditure of these funds to evaluate: How these funds have been appropriated and expended; whether the appropriations and expenditures are consistent with the provisions of RCW 69.50.540; and whether information related to the appropriations and expenditures is readily available to the general public. The report shall include options for increasing the transparency and accountability related to the appropriation and expenditure of cannabis-related revenues."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5796.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5796.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5796 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5796, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5796, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Gildon, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Warnick and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5818 with the following amendment(s): 5818-S AMH FITZ H2947.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least

twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

(f) Adopt a subarea plan pursuant to RCW 43.21C.420;

(g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;

(m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;

(n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;

(o) Remove minimum residential parking requirements related to accessory dwelling units;

(p) Remove owner occupancy requirements related to accessory dwelling units;

(q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;

(r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;

(s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes,

FIFTY SEVENTH DAY, MARCH 7, 2022

townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) ~~(If adopted by April 1, 2023,)~~ The adoption of ordinances, development regulations and amendments to ~~(development)~~ such regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend ~~(their)~~ its comprehensive plan~~(s)~~ or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

**Sec. 2.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation

airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including  $((\frac{1}{2}))_2$ , but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but

that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year

period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 3.** RCW 43.21C.495 and 2020 c 173 s 2 are each amended to read as follows:

~~(If adopted by April 1, 2023, amendments to development regulations))~~ Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter . . . , Laws of 2022 (this act) unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1) ((~~or~~ (4))), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

**Sec. 4.** RCW 43.21C.501 and 2019 c 348 s 6 are each amended to read as follows:

(1) Project actions described in this section that pertain to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 are exempt from appeals under this chapter on the basis of the evaluation of or impacts to the following elements of the environment, provided that the appropriate requirements for a particular element of the environment, as set forth in subsections (2) and (3) of this section, are met.

(2)(a) Transportation. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to transportation elements of the environment, so long as ~~((the project does not present significant adverse impacts to the state-owned transportation system as determined by the department of transportation and))~~ the project is:

~~((a)(i))~~ (i)(A) Consistent with a locally adopted transportation plan; or

~~((ii))~~ (B) Consistent with the transportation element of a comprehensive plan; and

~~((b)(i))~~ (ii)(A) A project for which traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

~~((ii))~~ (B) A project for which traffic or parking impacts are ~~((expressly))~~ mitigated by an ordinance, or ordinances, of general application adopted by the city or town.

~~((2))~~ (b) The exemption under this subsection (2) does not apply if the department of transportation has found that the project will present significant adverse impacts to the state-owned transportation system.

(3)(a) Aesthetics. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the aesthetics element of the environment, so long as the project is subject to design review

FIFTY SEVENTH DAY, MARCH 7, 2022

pursuant to adopted design review requirements at the local government level.

(b) Light and glare. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the light and glare element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level.

(4) For purposes of this section(~~(, "impacts")~~):

(a) "Design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(b) "Impacts to transportation elements of the environment" include impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

NEW SECTION. Sec. 5. (1) The legislature recognizes that certain rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be modified in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, the current affordable housing crisis, and other laws. It is the intent of the legislature to direct the department of ecology to conduct expedited rule making to modify the thresholds for the categorical exemptions described under subsection (2) of this section.

(2) By December 31, 2022, the department of ecology shall modify the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 as follows:

(a) Include four attached single-family residential units to the current exemption under WAC 197-11-800(1)(b)(i);

(b) Create a new exemption level under WAC 197-11-800(1)(d) for single-family residential project types with a total square footage of fewer than 1,500 square feet in incorporated urban growth areas of at least 100 units;

(c) Increase the exemption level under WAC 197-11-800(1)(d) for multifamily residential project types in incorporated urban growth areas from 60 units to 200 units; and

(d) Add the following sentence to WAC 197-11-800(1)(c)(i): "The city, town, or county must document the result of its outreach with the department of transportation on impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to state-owned transportation facilities."

(3) This section expires January 1, 2024.

NEW SECTION. Sec. 6. A new section is added to chapter 43.21C RCW to read as follows:

Any applicant whose project qualifies as exempt or categorically exempt under either this chapter or under rules adopted pursuant to this chapter is not required to file an environmental checklist if other information is available to establish that a project qualifies for an exemption."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Salomon moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5818.

Senators Salomon and Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Salomon that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5818.

The motion by Senator Salomon carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5818 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5818, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Rivers, Robinson, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Nguyen, Randall, Rolfes, Saldaña and Trudeau

SUBSTITUTE SENATE BILL NO. 5818, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5628 with the following amendment(s): 5628-S.E AMH PS H2806.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.61.260 and 2004 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of ~~((cyberstalking))~~ cyber harassment if ~~((he or she))~~ the person, with intent to harass(~~(s)~~) or intimidate(~~(s)~~ ~~(, torment, or embarrass)~~) any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to ~~((such other))~~ that person or a third party and the communication:

(a) ~~((Using))~~ (i) Uses any lewd, lascivious, indecent, or obscene words, images, or language, or ~~((suggesting))~~ suggests the commission of any lewd or lascivious act;

~~((b) Anonymously))~~ (ii) Is made anonymously or repeatedly ~~((whether or not conversation occurs))~~; ~~((or~~

~~((c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household))~~

(iii) Contains a threat to inflict bodily injury immediately or in the future on the person threatened or to any other person; or

(iv) Contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person; and

(b) With respect to any offense committed under the circumstances identified in (a)(iii) or (iv) of this subsection:

(i) Would cause a reasonable person, with knowledge of the sender's history, to suffer emotional distress or to fear for the safety of the person threatened; or

(ii) Reasonably caused the threatened person to suffer emotional distress or fear for the threatened person's safety.

(2) ((Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Cyberstalking is a class C felony if either of the following applies:

(a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or

(b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

(4)) (a) Except as provided in (b) of this subsection, cyber harassment is a gross misdemeanor.

(b) A person who commits cyber harassment is guilty of a class C felony if any of the following apply:

(i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order;

(ii) The person cyber harasses another person under subsection (1)(a)(iii) of this section by threatening to kill the person threatened or any other person;

(iii) The person cyber harasses a criminal justice participant or election official who is performing the participant's official duties or election official's official duties at the time the communication is made;

(iv) The person cyber harasses a criminal justice participant or election official because of an action taken or decision made by the criminal justice participant or election official during the performance of the participant's official duties or election official's official duties; or

(v) The person commits cyber harassment in violation of any protective order protecting the victim.

(3) Any criminal justice participant or election official who is a target for threats or harassment prohibited under subsection (2)(b)(iii) or (iv) of this section, and any family members residing with the participant or election official, shall be eligible for the address confidentiality program created under RCW 40.24.030.

(4) For purposes of this section, a criminal justice participant includes any:

(a) Federal, state, or municipal court judge;

(b) Federal, state, or municipal court staff;

(c) Federal, state, or local law enforcement agency employee;

(d) Federal, state, or local prosecuting attorney or deputy prosecuting attorney;

(e) Staff member of any adult corrections institution or local adult detention facility;

(f) Staff member of any juvenile corrections institution or local juvenile detention facility;

(g) Community corrections officer, probation officer, or parole officer;

(h) Member of the indeterminate sentence review board;

(i) Advocate from a crime victim/witness program; or

(j) Defense attorney.

(5) For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of a county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose

duties relate to voter registration or the processing of votes as provided in Title 29A RCW.

(6) The penalties provided in this section for cyber harassment do not preclude the victim from seeking any other remedy otherwise available under law.

(7) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

((5)) (8) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, ((electronic mail)) email, internet-based communications, pager service, and electronic text messaging.

**Sec. 2.** RCW 9A.90.030 and 2016 c 164 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Access" means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of electronic data, data network, or data system, including via electronic means.

(2) "Cybercrime" includes crimes of this chapter.

(3) "Data" means a digital representation of information, knowledge, facts, concepts, data software, data programs, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a data network, data program, data services, or data system.

(4) "Data network" means any system that provides digital communications between one or more data systems or other digital input/output devices including, but not limited to, display terminals, remote systems, mobile devices, and printers.

(5) "Data program" means an ordered set of electronic data representing coded instructions or statements that when executed by a computer causes the device to process electronic data.

(6) "Data services" includes data processing, storage functions, internet services, email services, electronic message services, website access, internet-based electronic gaming services, and other similar system, network, or internet-based services.

(7) "Data system" means an electronic device or collection of electronic devices, including support devices one or more of which contain data programs, input data, and output data, and that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control. This term does not include calculators that are not programmable and incapable of being used in conjunction with external files.

(8) "Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this definition, "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

(9) "Identifying information" means information that, alone or in combination, is linked or linkable to a trusted entity that would be reasonably expected to request or provide credentials to access a targeted data system or network. It includes, but is not limited to, recognizable names, addresses, telephone numbers, logos, HTML links, email addresses, registered domain names, reserved IP addresses, user names, social media profiles, cryptographic keys, and biometric identifiers.

((9)) (10) "Malware" means any set of data instructions that are designed, without authorization and with malicious intent, to disrupt computer operations, gather sensitive information, or gain access to private computer systems. "Malware" does not include

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

software that installs security updates, removes malware, or causes unintentional harm due to some deficiency. It includes, but is not limited to, a group of data instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to infect other data programs or data, consume data resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the data, data system, or data network.

~~((10))~~ (11) "White hat security research" means accessing a data program, service, or system solely for purposes of good faith testing, investigation, identification, and/or correction of a security flaw or vulnerability, where such activity is carried out, and where the information derived from the activity is used, primarily to promote security or safety.

~~((14))~~ (12) "Without authorization" means to knowingly circumvent technological access barriers to a data system in order to obtain information without the express or implied permission of the owner, where such technological access measures are specifically designed to exclude or prevent unauthorized individuals from obtaining such information, but does not include white hat security research or circumventing a technological measure that does not effectively control access to a computer. The term "without the express or implied permission" does not include access in violation of a duty, agreement, or contractual obligation, such as an acceptable use policy or terms of service agreement, with an internet service provider, internet website, or employer. The term "circumvent technological access barriers" may include unauthorized elevation of privileges, such as allowing a normal user to execute code as administrator, or allowing a remote person without any privileges to run code.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.90 RCW to read as follows:

(1) A person commits the crime of cyberstalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) The person knowingly and without consent:

(i) Installs or monitors an electronic tracking device with the intent to track the location of another person; or

(ii) Causes an electronic tracking device to be installed, placed, or used with the intent to track the location of another person; and

(b)(i) The person knows or reasonably should know that knowledge of the installation or monitoring of the tracking device would cause the other person reasonable fear;

(ii) The person has notice that the other person does not want to be contacted or monitored by him or her; or

(iii) The other person has a protective order in effect protecting him or her from the person.

(2)(a) It is not a defense to the crime of cyberstalking that the person was not given actual notice that the other person did not want the person to contact or monitor him or her; and

(b) It is not a defense to the crime of cyberstalking that the person did not intend to frighten, intimidate, or harass the other person.

(3)(a) Except as provided in (b) of this subsection, a person who cyberstalks another person is guilty of a gross misdemeanor.

(b) A person who cyberstalks another person is guilty of a class C felony if any of the following applies:

(i) The person has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order;

(ii) There is a protective order in effect protecting the victim from contact with the person;

(iii) The person has previously been convicted of a gross misdemeanor or felony stalking offense for stalking another person;

(iv) The person has previously been convicted of a gross misdemeanor or felony cyberstalking offense for cyberstalking another person;

(v)(A) The victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections officer; employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and

(B) The person cyberstalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(vi) The victim is a current, former, or prospective witness in an adjudicative proceeding, and the person cyberstalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(4) The provisions of this section do not apply to the installation, placement, or use of an electronic tracking device by any of the following:

(a) A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

(b) The installation, placement, or use of an electronic tracking device authorized by an order of a state or federal court;

(c) A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the person is a legal guardian or the individual or organization is designated to provide protective services;

(d) A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

(e) An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or other organization and the use of the device is limited to recovering lost or stolen items; or

(f) The owner of fleet vehicles, when tracking such vehicles. For the purposes of this section, "fleet vehicle" means any of the following:

(i) One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

(ii) Motor vehicles held for lease or rental to the general public; or

(iii) Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

NEW SECTION. Sec. 4. RCW 9.61.260 is recodified as a new section in chapter 9A.90 RCW.

Sec. 5. RCW 40.24.030 and 2019 c 278 s 3 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, ~~(and)~~ (b) any election official as described in RCW 9.61.260 (as recodified by this act) who is a

target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), and any family members residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; ~~((or))~~ (B) that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or; (B) threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive

may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;

(ii) Applicant's Washington driver's license or identicaid number;

(iii) Applicant's date of birth;

(iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and

(v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within ~~((thirty))~~ 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, ~~((or))~~ (b) the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 6.** RCW 7.77.170 and 2013 c 119 s 18 are each amended to read as follows:

(1) There is no privilege under RCW 7.77.150 for a collaborative law communication that is:

(a) Available to the public under chapter 42.56 RCW or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

(b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or

(d) In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

(2) The privileges under RCW 7.77.150 for a collaborative law communication do not apply to the extent that a communication is:

(a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process;

(b) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the child protective services agency or adult protective services agency is a party to or otherwise participates in the process; or

(c) Sought or offered to prove or disprove stalking or ~~((cyberstalking))~~ cyber harassment of a party or child.

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(3) There is no privilege under RCW 7.77.150 if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:

- (a) A court proceeding involving a felony or misdemeanor; or
- (b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

(4) If a collaborative law communication is subject to an exception under subsection (2) or (3) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

(5) Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

(6) The privileges under RCW 7.77.150 do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

**Sec. 7.** RCW 7.92.020 and 2020 c 296 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Electronic monitoring" means the same as in RCW 9.94A.030.

(2) "Minor" means a person who is under ~~((eighteen))~~ 18 years of age.

(3) "Petitioner" means any named petitioner for the stalking protection order or any named victim of stalking conduct on whose behalf the petition is brought.

(4) "Stalking conduct" means any of the following:

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of ~~((cyberstalking))~~ cyber harassment as defined under RCW 9.61.260 (as recodified by this act);
- (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following of another that:
  - (i) Would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling;
  - (ii) Serves no lawful purpose; and
  - (iii) The stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person.

(5) "Stalking no-contact order" means a temporary order or a final order granted under this chapter against a person charged with or arrested for stalking, which includes a remedy authorized under RCW 7.92.160.

(6) "Stalking protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized in RCW 7.92.100.

**Sec. 8.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include

constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income,

resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of (~~cyberstalking~~) cyber harassment as defined under RCW 9.61.260 (as recodified by this act); or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

**Sec. 9.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the dwelling that the parties share; from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(d) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(e) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(f) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(g) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(h) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court

may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(j) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, (~~cyberstalking~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(k) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(l) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(m) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(n) Order use of a vehicle;

(o) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(p) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(q) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(r) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(s) Order financial relief and restrain the transfer of jointly owned assets;

(t) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(u) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(3) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.

(c) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(d) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(4) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec. 10.** RCW 9.94A.030 and 2021 c 237 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole

purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- (e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or
- (f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age (~~(fourteen)~~) 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~(fourteen)~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~(ten)~~) 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is (~~(eighteen)~~) 18 years of age or older or is less than (~~(eighteen)~~) 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person (~~(eighteen)~~) 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree,

or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~(sixteen)~~) 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~(eighteen)~~) 18 years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) (~~(Cyberstalking)~~) Cyber harassment, RCW 9.61.260(~~(3)(a))~~ (2)(b)(i) (as recodified by this act);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~twenty-four~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~twenty-four~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of

intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 11.** RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within ~~((eight hundred eighty))~~ 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively

to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

FIFTY SEVENTH DAY, MARCH 7, 2022

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored

individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~twenty-four~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW

46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age ~~((fourteen))~~ 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of ~~((fourteen))~~ 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ~~((ten))~~ 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is ~~((eighteen))~~ 18 years of age or older or is less than ~~((eighteen))~~ 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person ~~((eighteen))~~ 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~sixteen~~) 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~eighteen~~) 18 years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or

other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) (~~Cyberstalking~~) Cyber harassment, RCW 9.61.260(~~(3)(a))~~ (2)(b)(i) (as recodified by this act);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~(twenty-four)~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~(twenty-four)~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act

of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 12.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

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| <p>XIV Murder 2 (RCW 9A.32.050)<br/>Trafficking 1 (RCW 9A.40.100(1))</p> <p>XIII Malicious explosion 2 (RCW 70.74.280(2))<br/>Malicious placement of an explosive 1 (RCW 70.74.270(1))</p> <p>XII Assault 1 (RCW 9A.36.011)<br/>Assault of a Child 1 (RCW 9A.36.120)<br/>Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))<br/>Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)<br/>Rape 1 (RCW 9A.44.040)<br/>Rape of a Child 1 (RCW 9A.44.073)<br/>Trafficking 2 (RCW 9A.40.100(3))</p> <p>XI Manslaughter 1 (RCW 9A.32.060)<br/>Rape 2 (RCW 9A.44.050)<br/>Rape of a Child 2 (RCW 9A.44.076)<br/>Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)<br/>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)</p> <p>X Child Molestation 1 (RCW 9A.44.083)<br/>Criminal Mistreatment 1 (RCW 9A.42.020)<br/>Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))<br/>Kidnapping 1 (RCW 9A.40.020)<br/>Leading Organized Crime (RCW 9A.82.060(1)(a))<br/>Malicious explosion 3 (RCW 70.74.280(3))<br/>Sexually Violent Predator Escape (RCW 9A.76.115)</p> <p>IX Abandonment of Dependent Person 1 (RCW 9A.42.060)<br/>Assault of a Child 2 (RCW 9A.36.130)<br/>Explosive devices prohibited (RCW 70.74.180)<br/>Hit and Run—Death (RCW 46.52.020(4)(a))<br/>Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)<br/>Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))<br/>Malicious placement of an explosive 2 (RCW 70.74.270(2))<br/>Robbery 1 (RCW 9A.56.200)<br/>Sexual Exploitation (RCW 9.68A.040)</p> <p>VIII Arson 1 (RCW 9A.48.020)<br/>Commercial Sexual Abuse of a Minor (RCW 9.68A.100)<br/>Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)<br/>Manslaughter 2 (RCW 9A.32.070)</p> | <p>Promoting Prostitution 1 (RCW 9A.88.070)<br/>Theft of Ammonia (RCW 69.55.010)</p> <p>VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))<br/>Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))<br/>Burglary 1 (RCW 9A.52.020)<br/>Child Molestation 2 (RCW 9A.44.086)<br/>Civil Disorder Training (RCW 9A.48.120)<br/>Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))<br/>Drive-by Shooting (RCW 9A.36.045)<br/>False Reporting 1 (RCW 9A.84.040(2)(a))<br/>Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)<br/>Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))<br/>Introducing Contraband 1 (RCW 9A.76.140)<br/>Malicious placement of an explosive 3 (RCW 70.74.270(3))<br/>Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))<br/>Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)<br/>Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))<br/>Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))<br/>Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))<br/>Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9A.41.225)<br/>Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</p> <p>VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))<br/>Bribery (RCW 9A.68.010)<br/>Incest 1 (RCW 9A.64.020(1))<br/>Intimidating a Judge (RCW 9A.72.160)<br/>Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)<br/>Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))<br/>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))<br/>Rape of a Child 3 (RCW 9A.44.079)<br/>Theft of a Firearm (RCW 9A.56.300)</p> |
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- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age (~~(Fourteen)~~ 14 (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- ~~((Cyberstalking (subsequent conviction or threat of death)))~~ Cyber Harassment (RCW 9.61.260~~((3))~~) (2)(b) (as recodified by this act)
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- False Reporting 2 (RCW 9A.84.040(2)(b))
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
- Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at ~~((five thousand dollars))~~ \$5,000 or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))	Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
Trafficking in Insurance Claims (RCW 48.30A.015)	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))	Unlawful Use of Food Stamps (RCW 9.91.144)
Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))	Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
Unlawful Practice of Law (RCW 2.48.180)	Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))	Vehicle Prowl 1 (RCW 9A.52.095)
Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))	Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))	<b>Sec. 13.</b> RCW 9.94A.515 and 2021 c 215 s 99 are each amended to read as follows:
Voyeurism 1 (RCW 9A.44.115)	
I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)	TABLE 2 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
False Verification for Welfare (RCW 74.08.055)	XVI Aggravated Murder 1 (RCW 10.95.020)
Forgery (RCW 9A.60.020)	XV Homicide by abuse (RCW 9A.32.055)
Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)	Malicious explosion 1 (RCW 70.74.280(1))
Malicious Mischief 2 (RCW 9A.48.080)	Murder 1 (RCW 9A.32.030)
Mineral Trespass (RCW 78.44.330)	XIV Murder 2 (RCW 9A.32.050)
Possession of Stolen Property 2 (RCW 9A.56.160)	Trafficking 1 (RCW 9A.40.100(1))
Reckless Burning 1 (RCW 9A.48.040)	XIII Malicious explosion 2 (RCW 70.74.280(2))
Spotlighting Big Game 1 (RCW 77.15.450(3)(b))	Malicious placement of an explosive 1 (RCW 70.74.270(1))
Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))	XII Assault 1 (RCW 9A.36.011)
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)	Assault of a Child 1 (RCW 9A.36.120)
Theft 2 (RCW 9A.56.040)	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at <del>((seven hundred fifty dollars))</del> \$750 or more but less than <del>((five thousand dollars))</del> \$5,000) (RCW 9A.56.096(5)(b))	Rape 1 (RCW 9A.44.040)
Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)	Rape of a Child 1 (RCW 9A.44.073)
Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))	Trafficking 2 (RCW 9A.40.100(3))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)	XI Manslaughter 1 (RCW 9A.32.060)
Unlawful Possession of Fictitious Identification (RCW 9A.56.320)	Rape 2 (RCW 9A.44.050)
Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)	Rape of a Child 2 (RCW 9A.44.076)
Unlawful Possession of Payment Instruments (RCW 9A.56.320)	Vehicle Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)	Vehicle Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
Unlawful Production of Payment Instruments (RCW 9A.56.320)	X Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))

- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- False Reporting 1 (RCW 9A.84.040(2)(a))
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)

- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age ((~~Fourteen~~) 14 (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- ((~~Cyberstalking (subsequent conviction or threat of death)~~) Cyber Harassment (RCW 9.61.260(~~(3)~~) (2)(b) (as recodified by this act))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- False Reporting 2 (RCW 9A.84.040(2)(b))
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)

- Malicious Injury to Railroad Property (RCW 81.60.070)
- Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
- Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at ~~((five thousand dollars))~~ \$5,000 or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at ~~((seven hundred fifty dollars))~~ \$750 or more but less than ~~((five thousand dollars))~~ \$5,000) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

**Sec. 14.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);

- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) ~~((Cyberstalking))~~ Cyber harassment (RCW 9.61.260 (as recodified by this act));
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

**Sec. 15.** RCW 9A.46.060 and 2021 c 215 s 109 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) ~~((Cyberstalking))~~ Cyber harassment (RCW 9.61.260 (as recodified by this act));
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation of a domestic violence protection order, sexual assault protection order, or antiharassment protection order issued under chapter 7.105 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).
- Sec. 16.** RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:
- (1) Upon notice and after hearing, the court may provide relief as follows:
- (a) Restrain the respondent from committing acts of domestic violence;
- (b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;
- (c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- (d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;
- (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;
- (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;
- (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;
- (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;
- (i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, ~~((cyberstalking))~~ cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;
- (j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall

consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(m) Order use of a vehicle; and

(n) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than ~~((fourteen))~~ 14 days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the

court permits service by publication or mail, the court shall set the new hearing date not later than ~~((twenty-four))~~ 24 days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

**Sec. 17.** RCW 26.50.070 and 2019 c 245 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(f) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, ~~((cyberstalking))~~ cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes

of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(4) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary order for protection shall be effective for a fixed period not to exceed ~~((fourteen))~~ 14 days or ~~((twenty-four))~~ 24 days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than ~~((fourteen))~~ 14 days from the issuance of the ex parte temporary order or not later than ~~((twenty-four))~~ 24 days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order for protection shall be filed with the court.

**NEW SECTION. Sec. 18.** Sections 7, 10, 12, 14, 16, and 17 of this act expire July 1, 2022.

**NEW SECTION. Sec. 19.** Sections 8, 9, 11, 13, and 15 of this act take effect July 1, 2022."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628.

Senators Dhingra and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House, and

FIFTY SEVENTH DAY, MARCH 7, 2022

2022 REGULAR SESSION

the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2022

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5544 with the following amendment(s): 5544-S.E AMH ENGR H2763.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington blockchain work group is established. The purpose of the work group is to examine various potential applications of and policies for blockchain technology including, but not limited to, applications in computing, banking and other financial services, the real estate transaction process, health care, supply chain management, higher education, identity verification, and public recordkeeping to help attract and support employees and new businesses with a supportive ecosystem.

(2) The work group is composed of the following members:

(a) The director of the department of commerce or the director's designee;

(b) An individual representing a federally recognized tribe located in Washington;

(c) A cybersecurity expert with experience in blockchain technology or its applications;

(d) A privacy expert with experience in blockchain technology or its applications;

(e) An individual representing a Washington-based technology trade association for the full cross section of the technology sector;

(f) An individual from the Cascadia blockchain council;

(g) An individual from a higher education institution in the field of blockchain;

(h) An individual representing a trade association for financial services companies that do business in Washington;

(i) An individual representing a trade association for title insurance companies that do business in Washington;

(j) An individual representing a trade association for health care companies that do business in Washington;

(k) An individual representing an association for county government officials in Washington;

(l) An individual representing a trade association for Washington-based agriculture;

(m) An individual representing a trade association for property and casualty insurance companies that do business in Washington;

(n) An individual representing a consumer advocacy organization;

(o) An individual representing a large company who has experience working with blockchain applications;

(p) An individual representing a small company who has experience working with blockchain applications;

(q) Two individuals representing the Washington state labor council working in the fields impacted by blockchain technology or its applications;

(r) Two individuals representing advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies and bias in technology-based systems including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(s) An individual representing an environmental advocacy organization with expertise in energy policy;

(t) An individual representing an environmental advocacy organization with expertise in sustainability; and

(u) An individual representing an association for public utility districts in Washington.

(3) The individuals listed in subsection (2)(b) through (u) of this section must be designated by their organization or association or the director of the department of commerce.

(4) The work group shall also include as members:

(a) One senator from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(b) One representative from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) In addition to the members listed in subsections (2) and (4) of this section, the following individuals shall serve as ex officio members of the work group: The director of the department of financial institutions, or the director's designee; the director of Washington technology solutions, the consolidated technology services agency, or the director's designee; the director of the department of agriculture, or the director's designee; the insurance commissioner, or the insurance commissioner's designee; the director of the department of ecology, or the director's designee; the state auditor, or the state auditor's designee; the secretary of state, or the secretary's designee; the director of the department of revenue, or the director's designee; the director of the department of licensing, or the director's designee; the director of the office of equity, or the director's designee; and the director of the health care authority, or the director's designee.

(6) In addition to the members of the work group under subsections (2), (4), and (5) of this section, individuals representing other sectors may be invited by the chair, in consultation with the other appointed members of the work group, to participate in an advisory capacity in meetings of the work group. Individuals participating in an advisory capacity under this subsection are not members of the work group, may not vote, and are not subject to the appointment process established in this section. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(7) A majority of the work group members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(8) The work group shall hold its inaugural meeting by December 1, 2022. The work group shall elect a chair from among its members at the inaugural meeting. The election of the chair must be by a majority vote of the work group members who are present at the inaugural meeting. The chair of the work group is

responsible for arranging subsequent meetings and developing meeting agendas.

(9) Staff support for the work group, including arranging the inaugural meeting of the work group and assisting the chair of the work group in arranging subsequent meetings, must be provided by the department of commerce.

(10) Legislative members of the work group may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the work group are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The work group is a class one group under chapter 43.03 RCW.

(12) A public comment period must be provided at every meeting of the work group.

(13) The work group shall submit a report to the governor and the appropriate committees of the legislature by December 1, 2023, on potential uses and impacts of blockchain, including impacts on existing industries, utilities, demand for electricity, and demand for computer processing capacity, and recommended policies that will facilitate the development of blockchain applications and the sector overall in Washington, grow the related workforce, evaluate environmental advantages and concerns, make Washington a favorable place to do business, address racial equity considerations, and improve the lives of Washington residents.

(14) The work group may create subcommittees to perform duties under this section.

(15) This section expires January 1, 2024. The work group is dissolved upon the expiration of this section."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5544.

Senators Brown and Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5544.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5544 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5544, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5544, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Mullet

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:47 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 8, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate