

## FORTY SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Friday, February 25, 2022

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Washington State Patrol Honor Guard presented the Colors.

First grade students of Spokane Public School's Libby Center led the Senate in the Pledge of Allegiance twice, once in English and once in Spanish. Taught by Maestra Morris with the assistance of Ms. Ryan, the class is part of the District's Language Immersion program.

The prayer was offered by the President of the Senate, Lt. Governor Denny Heck.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

February 24, 2022

SB 5714 Prime Sponsor, Senator Carlyle: Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5714 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

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SB 5760 Prime Sponsor, Senator Wellman: Updating and expanding the motion picture competitiveness program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5760 as recommended by Committee on Business, Financial Services & Trade be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant

Ranking Member, Operating; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Gildon.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital Honeyford, Ranking Minority Member, Capital.

Referred to Committee on Rules for second reading.

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SB 5799 Prime Sponsor, Senator Robinson: Modifying the application of the workforce education investment surcharge to provider clinics and affiliated organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5799 as recommended by Committee on Business, Financial Services & Trade be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

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SB 5849 Prime Sponsor, Senator Warnick: Concerning tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun; Carlyle; Gildon; Hunt; Keiser; Mullet; Muzzall; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Conway; Dhingra; Hasegawa and Pedersen.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## INTRODUCTION AND FIRST READING

SB 5982 by Senators Lovick and Liias

AN ACT Relating to alcohol concentration; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 46.61.506; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SJM 8010 by Senators Liias and Wilson, C.

Requesting Congress to enact federal legislation mandating the use of intelligent speed adaptation technology in all new motor vehicles.

Referred to Committee on Transportation.

SHB 1790 by House Committee on Transportation (originally sponsored by Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli)

AN ACT Relating to the creation, display, and material durability of temporary license plates; amending RCW 46.16A.300, 46.17.400, and 46.68.450; reenacting and amending RCW 46.16A.305; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

## MOTIONS

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

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

## MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION  
8658

By Senators Frockt, Billig, Braun, Carlyle, Das, Hasegawa, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Muzzall, Nobles, Pedersen, Rivers, Salomon, Schoesler, Trudeau, Wagoner, Wellman, and C. Wilson

WHEREAS, Antisemitism is one of the oldest forms of hate and is expressed as biases or bigotry against Jews, just for being part of the Jewish people; and

WHEREAS, The Anti-Defamation League's most recent Audit of Antisemitic Incidents in the United States recorded more than 2,000 acts of assault, vandalism, and harassment, maintaining antisemitism in the United States at its highest levels in over 40 years; and

WHEREAS, The latest FBI hate crime data reports that 55 percent of religiously motivated hate crimes are targeted at the Jewish community, which makes up just 2 percent of the population of the United States; and

WHEREAS, The American Jewish Committee's report found that over the past 12 months, one in four American Jews has been the target of verbal or physical antisemitic attacks in-person, online, or on social media, and that four in 10 American Jews have changed their behavior out of fear of antisemitism; and

WHEREAS, Numerous incidents of antisemitic graffiti and

vandalism here in Washington State have included: Defacing the Star of David, a symbol of the Jewish People; using Nazi symbols on or near sites where Jews worship, gather, or work; and slogans accusing Jews of crimes against humanity and controlling the United States government; and

WHEREAS, Jewish officials in Washington and throughout the United States have received threatening antisemitic mail and email; and

WHEREAS, Stereotypes and tropes against Jews have led to significant acts of violence against Jews in this country in recent years; and

WHEREAS, Hatred against Jews is a challenge to the basic principles of tolerance, pluralism, and democracy, and the shared values that bind Americans together; and

WHEREAS, Jews are a multiethnic, multiracial people whose diversity is core to our communities and whose dedication to Washington State is evident in their strong participation in our local school, business, civic, philanthropic, and faith communities; and

WHEREAS, State officials and institutions can play a powerful role in promoting values of tolerance and pluralism and in protecting individuals from acts of bigotry, including hatred against the Jewish people;

NOW, THEREFORE, BE IT RESOLVED, That the Senate resolve to combat antisemitism, in all its forms, for the protection of the Jewish community of Washington State and to uphold the values of a tolerant and pluralistic society that binds us together as Americans.

Senators Frockt, Schoesler, Wellman, Rivers, Dozier, Fortunato, Wilson, C., Sheldon, Saldaña, Carlyle, Hasegawa, Salomon and Billig spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

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

## PERSONAL PRIVILEGE

Senator Liias: "Thank you, Mr. President. Over the last few years, we've witnessed a corrosion in our public dialog in this country. And on many occasions, I have noted that and critiqued it and expressed my concern. So, I think it's important when I myself use inappropriate and corrosive language, to bring that to the body and bring my apologies. Yesterday, I participated in a radio interview where I made unkind and disrespectful and inappropriate comments about the Governor of Oregon, and I deeply regret those comments. As Chair of the Transportation Committee, I have an obligation to represent all of us well, and I failed in that task yesterday. I have expressed my apologies to Governor Brown, look forward to continuing to build a strong relationship between our two states. But I believe when we call out bad behavior, we have an obligation to bring our misgivings, and our own challenges to the forefront as well. I am just glad that at the end of the day, Maya Angelou famously said, 'Do the best you can until you know better. And when you know better, do better.' So, Mr. President, to my colleagues, I know better, and I will do better."

## MOTION

At 10:59 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 1:45 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

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

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovick moved that Wally Webster II, Senate Gubernatorial Appointment No. 9097, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senators Lovick, Holy and Hunt spoke in favor of passage of the motion.

APPOINTMENT OF WALLY WEBSTER II

The President declared the question before the Senate to be the confirmation of Wally Webster II, Senate Gubernatorial Appointment No. 9097, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of Wally Webster II, Senate Gubernatorial Appointment No. 9097, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Wally Webster II, Senate Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovick moved that David O. Earling, Senate Gubernatorial Appointment No. 9240, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senator Lovick spoke in favor of the motion.

APPOINTMENT OF DAVID O. EARLING

The President declared the question before the Senate to be the confirmation of David O. Earling, Senate Gubernatorial Appointment No. 9240, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of David O. Earling, Senate Gubernatorial Appointment No. 9240, as a member of the Edmonds Community College Board of Trustees

and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

David O. Earling, Senate Gubernatorial Appointment No. 9240, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

MOTION

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

SECOND READING

HOUSE BILL NO. 1430, by Representatives Kloba and Klicker

Concerning the duration of state upland leases for lands managed by the department of natural resources.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.13.060 and 2016 c 109 s 3 are each amended to read as follows:

(1) State lands may be leased not to exceed ten years with the following exceptions:

(a) The lands may be leased for agricultural purposes not to exceed twenty-five years, except:

(i) Leases that authorize tree fruit or grape production may be for up to fifty-five years;

(ii) Share crop leases may not exceed ten years;

(b) The lands may be leased for commercial, industrial, business, or recreational purposes not to exceed fifty-five years, except:

(i) Leases for commercial, industrial, or business purposes may extend to 99 years;

(ii) All leases for commercial, industrial, or business purposes that extend beyond 55 years must provide for periodic rental reevaluation and adjustment, except leases with rentals based on a percentage of income;

(iii) All leases for commercial, industrial, or business purposes that extend terms beyond 55 years must be reported to the office of financial management and the appropriate committees of the legislature within 30 days of the date of execution of the lease. The report must include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments;

(c) The lands may be leased for public school, college, or university purposes not to exceed seventy-five years;

(d) The lands may be leased for residential purposes not to exceed ninety-nine years; and

(e) The lands and development rights on state lands held for the benefit of the common schools may be leased to public agencies, as defined in RCW 79.17.200, not to exceed ninety-nine years. The leases may include provisions for renewal of lease terms.

(2) No lessee of state lands may remain in possession of the land after the termination or expiration of the lease without the written consent of the department.

(a) The department may authorize a lease extension for a specific period beyond the term of the lease for cropping improvements for the purpose of crop rotation. These improvements shall be deemed authorized improvements under RCW 79.13.030.

(b) Upon expiration of the lease term, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe, if the leased land is not otherwise utilized.

(c) Upon expiration of the one-year lease extension, the department may issue a temporary permit to the lessee upon terms and conditions it prescribes if the department has not yet determined the disposition of the land for other purposes.

(d) The temporary permit shall not extend beyond a five-year period.

(3) If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of the lease. The sum total of the original lease term and any extension thereof shall not exceed the limits provided in this section.

(4) The department must include in the text of any grazing leases language that explains the right of access, and associated assumption of liability, created in RCW 76.04.021."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 79.13.060."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 1430.

The motion by Senator Van De Wege carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1430 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1430 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1430 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King,

Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle and Wagoner

HOUSE BILL NO. 1430 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1719, by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

Concerning use and acquisition of military equipment by law enforcement agencies.

The measure was read the second time.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1719.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1719 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1798, by Representatives Ryu, Boehnke and Berry

Concerning powers of the legislative committee on economic development and international relations.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, House

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Bill No. 1798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1798.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1798 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1899, by Representatives Kirby, Vick, Graham and Young

Concerning confidentiality of certain data shared with the department of financial institutions.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1899.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1899 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5693, by Senators Rolfes, Wilson, L. and Nguyen

Making 2021-2023 fiscal biennium supplemental operating appropriations.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5693 was substituted for Senate Bill No. 5693 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following amendment no. 1215 by Senator Dhingra be adopted:

On page 3, line 30, increase the General Fund—State Appropriation (FY 2023) by \$200,000

Adjust the total appropriation accordingly.

On page 4, after line 10, insert the following:

"(3) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022."

Senators Dhingra and Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1215 by Senator Dhingra on page 3,

line 30 to Substitute Senate Bill No. 5693.

The motion by Senator Dhingra carried and amendment no. 1215 was adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1246 by Senator Warnick be adopted:

On page 5, line 12, strike all of subsection 6.

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1246 by Senator Warnick on page 5, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1246 was not adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 1206 by Senator Wilson, L. be adopted:

On page 8, line 35, increase the General Fund—State Appropriation (FY 2023) by \$1,892,000

Adjust the total appropriation accordingly.

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

"(30) \$1,892,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay."

Senators Wilson, L. and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1206 by Senator Wilson, L. on page 8, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. carried and amendment no. 1206 was adopted by voice vote.

#### MOTION

Senator Pedersen moved that the following amendment no. 1224 by Senator Pedersen be adopted:

On page 9, line 8, decrease the Judicial Information Systems Account—State Appropriation by \$25,400,000

Adjust the total appropriation accordingly.

On page 15, beginning on line 21, strike all of subsection (26)

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

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1224 by Senator Pedersen on page 9, line 8 to Substitute Senate Bill No. 5693.

The motion by Senator Pedersen carried and amendment no. 1224 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no.

1200 by Senator Wagoner be adopted:

On page 20, line 38, decrease the General Fund—State Appropriation (FY 2022) by \$350,000

On page 21, line 2, decrease the General Fund—State Appropriation (FY 2023) by \$25,000

Adjust the total appropriation accordingly.

On page 22, beginning on line 26, strike all of subsection (10)

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

Senators Wagoner, Dozier, Fortunato and Wilson, J. spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1200 by Senator Wagoner on page 20, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Wagoner did not carry and amendment no. 1200 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following amendment no. 1247 by Senator Warnick be adopted:

On page 22, line 29, after "dams" insert "without increasing vehicle miles traveled or greenhouse gas emissions"

Senator Warnick spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1247 by Senator Warnick on page 22, line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1247 was not adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following amendment no. 1226 by Senator Wilson, L. be adopted:

On page 26, line 11, increase the General Fund—State Appropriation (FY 2023) by \$74,000

Adjust the total appropriation accordingly.

On page 31, after line 9, insert the following:

"(21) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for placing a constitutional amendment on the next general election ballot pursuant to Senate Joint Resolution No. 8206 (homestead property tax exemption). If the resolution is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$78,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$78,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5463 (residential property valuation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1226 by Senator Wilson, L. on page

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26, line 11 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. did not carry and amendment no. 1226 was not adopted by voice vote.

#### MOTION

Senator Sefzik moved that the following amendment no. 1231 by Senator Sefzik be adopted:

On page 32, line 24, increase the General Fund—State Appropriation (FY 2022) by \$25,000

Adjust the total appropriation accordingly.

On page 33, after line 28, insert the following:

"(3) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Senate Bill No. 5897 (temporary suspension state motor vehicle tax). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Sefzik, Rivers and Fortunato spoke in favor of adoption of the amendment.

Senators Liias and Rolfes spoke against adoption of the amendment.

#### MOTION

Senator Sefzik demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Sefzik on page 32, line 24 to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sefzik and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Gildon moved that the following amendment no. 1239 by Senator Gildon be adopted:

On page 43, line 12, increase the General Fund—State Appropriation (FY 2022) by \$3,335,000

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$2,223,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187) \$3,335,000 of the general fund—state appropriation for fiscal year 2022 and \$2,223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict."

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On page 216, line 32, increase the General Fund—State Appropriation (FY 2022) by \$8,489,000

On page 216, line 34, increase the General Fund—State Appropriation (FY 2023) by \$4,922,000

Adjust the total appropriation accordingly.

On page 227, after line 23, insert the following:

"(29) \$8,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,922,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for temporary and permanent housing needs of refugees from the 2022 Ukraine-Russia conflict arriving in Washington state, along with other necessary support services such as employment and training, case management, legal services, emergency supports, integration into schools, and physical and mental health needs."

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

The President declared the question before the Senate to be the adoption of amendment no. 1239 by Senator Gildon on page 43, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Gildon carried and amendment no. 1239 was adopted by voice vote.

#### MOTION

Senator Liias moved that the following amendment no. 1208 by Senator Liias be adopted:

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$750,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187)(a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;

(ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and

(iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration."

On page 478, line 7, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 490, after line 33, insert the following:

"(47) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration."

On page 602, line 4, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 618, after line 8, insert the following:

"(83) \$500,000 of the general fund—state appropriation for

fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration."

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1208 by Senator Liias on page 43, line 14 to Substitute Senate Bill No. 5693.

The motion by Senator Liias carried and amendment no. 1208 was adopted by voice vote.

#### MOTION

Senator Gildon moved that the following amendment no. 1209 by Senator Gildon be adopted:

On page 43, line 14, increase the General Fund—State Appropriation (FY 2023) by \$51,610,000

Adjust the total appropriation accordingly.

On page 109, after line 28, insert the following:

"(187) \$51,610,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 229, line 25, increase the General Fund—State Appropriation (FY 2023) by \$5,750,000

Adjust the total appropriation accordingly.

On page 232, after line 8, insert the following:

"(10) \$5,750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 279, line 20, increase the General Fund—State Appropriation (FY 2023) by \$10,000,000

Adjust the total appropriation accordingly.

On page 321, after line 32, insert the following:

"(115) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 435, line 35, increase the General Fund—State Appropriation (FY 2023) by \$25,000,000

Adjust the total appropriation accordingly.

On page 450, after line 2, insert the following:

"(52) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5954 (chronic and unsheltered homelessness). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

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

Senator Kuderer spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members

supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 43, line 14 to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Wilson, L. moved that the following amendment no. 1207 by Senator Wilson, L. be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$64,200

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$64,200 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5324 (eliminating sales/use tax on mobility enhancing equipment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

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

Senator Robinson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1207 by Senator Wilson, L. on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, L. did not carry and amendment no. 1207 was not adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1210 by Senator Wilson, J. be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$320,900

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$320,900 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5440 (eliminating the business and occupation tax on manufacturing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senators Wilson, J., Braun, Fortunato, Wagoner and Padden spoke in favor of adoption of the amendment.

Senators Robinson and Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1210 by Senator Wilson, J. on page



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125, line 17 to Substitute Senate Bill No. 5693.

adoption of the amendment by Senator Holy on page 125, line 17, to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, J. did not carry and amendment no. 1210 was not adopted by voice vote.

ROLL CALL

MOTION

Senator Holy moved that the following amendment no. 1218 by Senator Holy be adopted:

The Secretary called the roll on the adoption of the amendment by Senator Holy and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$379,000

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

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

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

"(30) \$379,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5841 (incentivizing cities and counties to increase commissioned law enforcement employment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 323, line 1, increase the General Fund—State Appropriation (FY 2023) by \$6,473,000

Adjust the total appropriation accordingly.

On page 329, after line 37, insert the following:

"(33) \$6,473,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5841 (incentivizing cities and counties to increase commissioned law enforcement employment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

MOTION

Senator Rivers moved that the following amendment no. 1222 by Senator Rivers be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$70,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5309 (diapers sales and use tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

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

Senator Rolfes spoke against adoption of the amendment.

The President recognized the presence of guests in the public gallery which had been closed to the public for nearly two years by health concerns during the pandemic.

Senators Rivers and Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1222 by Senator Rivers on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1222 was adopted by voice vote.

Senators Wagoner, Dozier, Padden, Honeyford, Fortunato and McCune spoke in favor of adoption of the amendment.

MOTION

MOTION

Senator Holy demanded a roll call.

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

Senator Sefzik moved that the following amendment no. 1232 by Senator Sefzik be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$11,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$11,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5913 (property tax/senior, veteran). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purposes of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

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

Senator Dhingra spoke against adoption of the amendment.

REMARKS BY SENATOR HONEYFORD

Senator Honeyford: "Thank you Mr. President. I was going to object."

MOTION

President Heck: "Duly noted."

Senator Sefzik demanded a roll call.

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

The President declared the question before the Senate to be the

The President declared the question before the Senate to be the adoption of the amendment by Senator Sefzik on page 125, line 17, to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sefzik and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

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

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

Absent: Senator Wellman

#### MOTION

Senator Fortunato moved that the following amendment no. 1250 by Senator Fortunato be adopted:

On page 125, line 17, increase the General Fund—State Appropriation (FY 2023) by \$125,000

Adjust the total appropriation accordingly.

On page 135, after line 30, insert the following:

"(30) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1535 (exempting family and household necessities from the sales and use tax). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1250 by Senator Fortunato on page 125, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato did not carry and amendment no. 1250 was not adopted by voice vote.

#### MOTION

Senator Brown moved that the following amendment no. 1219 by Senator Brown be adopted:

On page 200, line 20, increase the General Fund—State Appropriation (FY 2023) by \$900,000

Adjust the total appropriation accordingly.

On page 216, after line 26, insert the following:

"(57) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients."

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

The President declared the question before the Senate to be the adoption of amendment no. 1219 by Senator Brown on page 200, line 20 to Substitute Senate Bill No. 5693.

The motion by Senator Brown carried and amendment no. 1219 was adopted by voice vote.

#### MOTION

Senator Rivers moved that the following amendment no. 1223 by Senator Rivers be adopted:

On page 235, line 9, increase the General Fund—State Appropriation (FY 2023) by \$3,735,000

On page 235, line 11, increase the General Fund—Federal Appropriation by \$17,810,000

Adjust the total appropriation accordingly.

On page 271, after line 19, insert the following:

"(111)(a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$17,810,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs."

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

The President declared the question before the Senate to be the adoption of amendment no. 1223 by Senator Rivers on page 235, line 9 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1223 was adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment no. 1211 by Senator Honeyford be adopted:

On page 279, line 20, increase the General Fund—State Appropriation (FY 2023) by \$100,000,000

Adjust the total appropriation accordingly.

On page 321, after line 32, insert the following:

"(115) \$100,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community substance abuse treatment and prevention as follows:

(a) \$90,000,000 must be used by the health care authority to provide funding, on a per capita basis, to behavioral health administrative services organizations, as defined in RCW 71.24.025, for the purposes of providing substance use disorder treatment, prevention, and recovery services, including, but not limited to, diversion, residential treatment, community and peer support services, supported housing and employment, and crisis response; and

(b) \$10,000,000 must be used by the health care authority to support drug courts, following the distribution method for the criminal justice treatment account created in RCW 71.24.580(5)."

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1211 by Senator Honeyford on page 279, line 20 to Substitute Senate Bill No. 5693.

The motion by Senator Honeyford did not carry and amendment no. 1211 was not adopted by voice vote.

#### MOTION

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Senator Lovick moved that the following amendment no. 1202 by Senator Lovick be adopted:

On page 323, line 9, increase the Washington Auto Theft Prevention Authority Account—State Appropriation by \$3,500,000

Adjust the total appropriation accordingly.

On page 680, after line 35, insert the following:

"**NEW SECTION. Sec. 741.** A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON AUTO THEFT PREVENTION AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2023)	\$3,500,000
TOTAL APPROPRIATION	\$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington auto theft prevention authority account created in RCW 46.66.080."

FOUR-YEAR OUTLOOK EXPENDITURE EFFECT:  
\$3,500,000 Near General Fund—State

Senator Lovick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1202 by Senator Lovick on page 323, line 9 to Substitute Senate Bill No. 5693.

The motion by Senator Lovick carried and amendment no. 1202 was adopted by voice vote.

MOTION

Senator Brown moved that the following amendment no. 1220 by Senator Brown be adopted:

On page 330, line 38, increase the General Fund—State Appropriation (FY 2023) by \$2,500,000

Adjust the total appropriation accordingly.

On page 342, after line 3, insert the following:

"(39) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance."

Senator Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1220 by Senator Brown on page 330, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Brown carried and amendment no. 1220 was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment no. 1236 by Senator Keiser be adopted:

On page 330, line 38, increase the General Fund—State Appropriation (FY 2023) by \$12,000,000

Adjust the total appropriation accordingly.

On page 342, after line 3, insert the following:

"(39) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to distribute funds to supplement the related supplemental instruction costs for programs providing apprenticeship education and job training for general journey (01) electricians. Funding shall be allotted at \$17.60 per delivered related supplemental instruction hour to programs for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. Programs may apply for up to a 25 percent increase in allotted funding if partnering with a Washington community or technical college to deliver the related supplemental instruction based on the level of contracted support provided by the college."

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1236 by Senator Keiser on page 330, line 38 to Substitute Senate Bill No. 5693.

The motion by Senator Keiser carried and amendment no. 1236 was adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 1238 by Senator Short be adopted:

On page 343, line 12, increase the General Fund—State Appropriation (FY 2023) by \$1,100,000

Adjust the total appropriation accordingly.

On page 344, after line 8, insert the following:

"(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for expanding counseling services for veterans dealing with posttraumatic stress disorder."

Senators Short, Rolfes and Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1238 by Senator Short on page 343, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Short carried and amendment no. 1238 was adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1225 by Senator Warnick be adopted:

On page 345, line 12, increase the General Fund—State Appropriation (FY 2023) by \$91,000

Adjust the total appropriation accordingly.

On page 370, after line 11, insert the following:

"(95) \$91,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to convene a work group to study the root causes of rising behavioral health issues in Washington communities.

(a) The membership of the work group shall emphasize individuals with actual, practical experience dealing with the behavioral health system and shall include:

(i) Individuals who have received behavioral health services in a variety of settings and circumstances throughout the behavioral health system;

(ii) Family members of individuals who have received behavioral health services;

(iii) Behavioral health treatment providers with experience

providing behavioral health services in various settings, including crisis behavioral health services. Providers serving on the work group may not represent, or be employed by, any organizations or interest groups representing the interests of health care providers or behavioral health stakeholders;

(iv) Tribal representatives with experience providing or receiving behavioral health services from tribal health departments;

(v) Members of the clergy;

(vi) Law enforcement officers with training and experience in responding to individuals with behavioral health conditions or who are undergoing behavioral health crises;

(vii) Behavioral health advocates; and

(viii) Any other individuals with experience in the behavioral health system, as deemed appropriate by the department.

(b) The work group shall, at a minimum, discuss:

(i) Factors leading to increased demand for behavioral health services in Washington;

(ii) Barriers to addressing unmet needs and any gaps in the behavioral health system;

(iii) The effectiveness of the state's integrated care initiative regarding access for the seriously mentally ill, reductions in hospitalization and institutionalization, improvements in community-based care, and support for an effective network of community-based care providers for the seriously mentally ill; and

(iv) Suggestions for improving the behavioral health system, including methods to address behavioral health workforce shortages.

(c) The work group shall submit to the governor and the appropriate committees of the legislature a progress report by December 15, 2022, and its findings and recommendations by June 30, 2023."

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1225 by Senator Warnick on page 345, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick carried and amendment no. 1225 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1235 by Senator Fortunato be adopted:

On page 345, line 12, increase the General Fund—State Appropriation (FY 2023) by \$25,000

Adjust the total appropriation accordingly.

On page 370, after line 11, insert the following:

"(95) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be accessible to tourists and other individuals traveling on state route 410."

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

The President declared the question before the Senate to be the adoption of amendment no. 1235 by Senator Fortunato on page 345, line 12 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato carried and amendment no. 1235 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 1201 by Senator Wagoner be adopted:

On page 373, line 28, increase the General Fund—State Appropriation (FY 2023) by \$31,020,000

Adjust the total appropriation accordingly.

On page 376, line 11, after "2022," strike "\$9,106,000" and insert "\$40,126,000"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1201 by Senator Wagoner on page 373, line 28 to Substitute Senate Bill No. 5693.

The motion by Senator Wagoner did not carry and amendment no. 1201 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following amendment no. 1216 by Senator McCune be adopted:

On page 460, line 35, decrease the General Fund—State Appropriation (FY 2023) by \$10,996,000

Adjust the total appropriation accordingly.

On page 470, line 4, after "(40)" strike all material through "2022" on line 31 and insert "\$3,404,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program, for communication and outreach with the public, to improve salmon run assessment and monitoring, and to develop alternative commercial fishing gear"

Senators McCune and Wilson, J. spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1216 by Senator McCune on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator McCune did not carry and amendment no. 1216 was not adopted by voice vote.

#### MOTION

Senator Stanford moved that the following amendment no. 1234 by Senator Stanford be adopted:

On page 460, line 35, increase the General Fund—State Appropriation (FY 2023) by \$3,510,000

Adjust the total appropriation accordingly.

On page 476, after line 7, insert the following:

"(73) \$3,510,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) \$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;

(b) \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

(c) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle Elum facility and to build circular covers at the lower Yakima facility;

(d) \$1,180,000 to the Puyallup Tribe to build an augmentation

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well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

(e) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

(f) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona."

Senator Stanford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1234 by Senator Stanford on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Stanford carried and amendment no. 1234 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 1241 by Senator Padden be adopted:

On page 460, line 35, decrease the General Fund—State Appropriation (FY 2023) by \$350,000

Adjust the total appropriation accordingly.

On page 475, beginning on line 22, after "(71)" strike all material through "2023" on line 30 and insert "\$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey and to estimate the number of juvenile and adult salmon that are taken on average each year due to bird predation on the Columbia river, between the confluence with the Snake river and the McNary dam. The estimate must indicate the number of fish taken by bird species. A report of the survey and estimate, including a description of techniques and projects in place to prevent such predation must be made to the appropriate committees of the legislature by June 30, 2023"

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

The President declared the question before the Senate to be the adoption of amendment no. 1241 by Senator Padden on page 460, line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Padden carried and amendment no. 1241 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following amendment no. 1217 by Senator Wilson, J. be adopted:

On page 470, beginning on line 4, after "(40)" strike all material through "program" on line 7 and insert "\$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a voluntary buy-back program of nontribal commercial gillnet fishing licenses on the Columbia river. Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019."

Senators Wilson, J., McCune and Sefzik spoke in favor of

adoption of the amendment.

Senators Van De Wege, Saldaña and Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1217 by Senator Wilson, J. on page 470, line 4 to Substitute Senate Bill No. 5693.

The motion by Senator Wilson, J. did not carry and amendment no. 1217 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1249 by Senator Fortunato be adopted:

On page 472, after line 29, strike all of subsection (58).

Senators Fortunato, Warnick, Honeyford and Wagoner spoke in favor of adoption of the amendment.

Senators Rolfes and Muzzall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1249 by Senator Fortunato on page 472, after line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Fortunato did not carry and amendment no. 1249 was not adopted by voice vote.

#### MOTION

Senator Van De Wege moved that the following amendment no. 1214 by Senator Van De Wege be adopted:

On page 490, line 3, after "79.22.010." insert "to begin a program"

On page 490, line 15, after "state" strike "forestlands" and insert "forest transfer lands"

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

The President declared the question before the Senate to be the adoption of amendment no. 1214 by Senator Van De Wege on page 490, line 3 to Substitute Senate Bill No. 5693.

The motion by Senator Van De Wege carried and amendment no. 1214 was adopted by voice vote.

#### MOTION

Senator Dozier moved that the following amendment no. 1213 by Senator Dozier be adopted:

On page 506, line 9, increase the General Fund—State Appropriation (FY 2023) by \$40,000

Adjust the total appropriation accordingly.

On page 523, after line 16, insert the following:

"(ff) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5858 (education/parent rights)."

Senators Dozier, Sefzik and Padden spoke in favor of adoption of the amendment.

Senators Rolfes and Wellman spoke against adoption of the amendment.

#### MOTION

Senator Dozier demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Dozier on page 506, line 9 to Substitute Senate Bill No. 5693.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Dozier and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Wellman moved that the following amendment no. 1242 by Senator Wellman be adopted:

On page 525, line 13, decrease the General Fund—State Appropriation (FY 2022) by \$4,051,000

On page 525, line 15, increase the General Fund—State Appropriation (FY 2023) by \$4,051,000

Adjust the total appropriation accordingly.

On page 526, line 16, after "(5)" strike "\$13,499,000" and insert "~~(\$13,499,000)~~ \$9,448,000"

On page 526, line 17, after "and" strike "\$16,076,000" and insert "~~(\$16,076,000)~~ \$20,127,000"

On page 526, line 24, after "(b)" strike "\$12,587,000" and insert "~~(\$12,587,000)~~ \$8,536,000"

On page 526, line 25, after "and" strike "\$15,414,000" and insert "~~(\$15,414,000)~~ \$19,465,000"

On page 526, line 27, after "provide" strike "two" and insert "~~(two)~~ up to four"

On page 526, line 27, after "training" strike "per school year" and insert "~~(per school year)~~"

On page 526, beginning on line 31, after "program" strike all material through "years" on line 32 and insert "~~((in each of the 2020-21 and 2021-22 school years))~~ in the 2020-21 school year, and up to four days in the 2021-22 school year"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1242 by Senator Wellman on page 525, line 13 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1242 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, amendment no. 1245 by Senator Wellman on page 552, line 38 to Substitute Senate Bill No. 5693 was withdrawn.

#### POINT OF ORDER

Senator Salomon: "I wanted to point out that I made a mistake in my prior vote, but that vote has been closed, but I wanted to

put it on the record."

President Heck: "Not possible sir."

#### MOTION

Senator Wellman moved that the following amendment no. 1243 by Senator Wellman be adopted:

On page 569, line 22, increase the General Fund—State Appropriation (FY 2022) by \$111,000

On page 569, line 24, decrease the General Fund—State Appropriation (FY 2023) by \$111,000

Adjust the total appropriation accordingly.

On page 582, line 35, after "~~(\$250,000)~~" strike "\$125,000" and insert "\$236,000"

On page 582, line 36, after "and" strike "\$125,000" and insert "\$14,000"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1243 by Senator Wellman on page 569, line 22 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1243 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, amendment no. 1244 by Senator Wellman on page 569, line 22 to Substitute Senate Bill No. 5693 was withdrawn.

#### MOTION

Senator Wellman moved that the following amendment no. 1205 by Senator Wellman be adopted:

On page 598, line 17, after "industries" insert "and the school bus driving industry"

On page 598, line 21, after "industries" insert "and the school bus driving industry"

On page 598, line 30, after "the" strike "industry" and insert "industries"

On page 598, line 32, after "industry" insert "and the school bus driving industry"

On page 599, line 2, after "industry" insert "or the school bus driving industry"

On page 599, line 4, after "industries" insert "or the school bus driving industry"

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1205 by Senator Wellman on page 598, line 17 to Substitute Senate Bill No. 5693.

The motion by Senator Wellman carried and amendment no. 1205 was adopted by voice vote.

#### MOTION

Senator Rivers moved that the following amendment no. 1221 by Senator Rivers be adopted:

On page 618, line 15, increase the General Fund—State Appropriation (FY 2023) by \$500,000

Adjust the total appropriation accordingly.

On page 626, after line 26, insert the following:

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"(45) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036."

Senators Rivers and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1221 by Senator Rivers on page 618, line 15 to Substitute Senate Bill No. 5693.

The motion by Senator Rivers carried and amendment no. 1221 was adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1240 by Senator Warnick be adopted:

On page 637, after line 23, strike all of section (o)

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1240 by Senator Warnick on page 637, after line 23 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1240 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 1233 by Senator Warnick be adopted:

On page 637, line 31, after "farmworkers" strike "and", after "organizations" insert "and agriculture employer associations".

Senators Warnick, King and Muzzall spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1233 by Senator Warnick on page 637, line 31 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick did not carry and amendment no. 1233 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 1212 by Senator Braun be adopted:

On page 668, at the beginning of line 14, strike "General Fund—State Appropriation (FY 2022) . . . . \$2,000,000,000" and insert "General Fund—State Appropriation (FY 2023) . . . . \$625,000,000"

Adjust the total appropriation accordingly.

On page 668, line 19, after "47.66.070." insert "It is the intent of the legislature that this funding will be continued in subsequent biennia and increased annually by the fiscal growth factor as defined in RCW 43.135.025."

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, amendment no. 1212 by Senator Braun on page 668, line 14 to Substitute Senate Bill No. 5693 was withdrawn.

MOTION

Senator Warnick moved that the following amendment no. 1227 by Senator Warnick be adopted:

On page 680, beginning on line 29, after "limitations:" strike all material through "percent" on line 35 and insert "The appropriation is provided solely for the department to provide grants to the Washington state fair and to county and area fairs as defined in RCW 15.76.120 (1) and (2) that agree to operate its fair in fiscal year 2023 without charging an admission fee to any member of the public. The amount of grant funds provided to each fair may not exceed the amount the admissions fees earned by the fair in fiscal year 2019 plus 20 percent"

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

The President declared the question before the Senate to be the adoption of amendment no. 1227 by Senator Warnick on page 680, line 29 to Substitute Senate Bill No. 5693.

The motion by Senator Warnick carried and amendment no. 1227 was adopted by voice vote.

MOTION

Senator Sefzik moved that the following amendment no. 1248 by Senator Sefzik be adopted:

On page 680, after line 35, insert the following:

"NEW SECTION. Sec. 741. A new section is added to 2021 c 334 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2022)	\$85,000,000
TOTAL APPROPRIATION	\$85,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account for the sole purpose of providing disaster response and recovery assistance to political subdivisions of the state, tribes, businesses, and residents that have suffered adverse impacts from natural disasters in November 2021 and January 2022 in jurisdictions as identified in presidential or gubernatorial declarations. Disaster response and recovery assistance includes, but is not limited to, financial assistance for the following activities:

- (1) Temporary housing, shelter, and cash assistance;
- (2) Costs to repair or replace damaged buildings, structures, and public infrastructure;
- (3) Demolition costs for homes, buildings, structures, and public infrastructure that are beyond repair;
- (4) Loss of personal property;

(5) Medical expenses; and

(6) Covering 100 percent of the cost of any financial match or contribution requirements that may be necessary to receive federal or state disaster relief assistance."

Senator Sefzik spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1248 by Senator Sefzik on page 680, after line 35 to Substitute Senate Bill No. 5693.

The motion by Senator Sefzik did not carry and amendment no. 1248 was not adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

#### POINT OF ORDER

Senator Wilson, J.: "Thank you Mr. President. Sub-point 40 on page 470 of the Substitute Senate Bill No. 5693 violates Senate Rule 25 because the bill embraces more than one subject. Mr. President, will you allow me to offer a very brief argument on this point?"

President Heck: "Yes."

Senator Wilson, J.: "Thank you Mr. President. Mr. President, 5693 is a very expansive bill. It's under the subsection 40 that introduces additional subjects which I am saying violates our Senate rules. The proviso in question is an overarching policy that would eliminate, eliminate commercial gillnet fishing. This is a policy change that should be addressed in a policy bill. In fact, the Senate has covered, or considered, policy bills on this topic including Senate Bill 5567. However even that less controversial bill has not made it through the process; adding the same policy change to the budget bill is an improper, back-door attempt to implement policy through the budget Mr. President, and our rules prohibit this. And unfortunately, we rejected an amendment which would have fixed this problem, and right-sized the fishery to ensure that there weren't unused licenses. And we could still preserve this corner of our extremely important economy. But the proviso in the budget before us expressly states that the number of fish saved would be transferred from the commercial fishery into conservation or a selected fishery. This is a major policy change Mr. President, which conflicts with federal fisheries allocation processes, and state law, such as RCW 77.5 or 77.75.010 and it impairs the rights, Mr. President, the rights of commercial fishermen. It even cuts our friends in Oregon out, somewhat, of this existing process that we've used to manage fisheries."

President Heck: "Senator Wilson, keep your remarks, please, to arguments in support of your point of order."

Senator Wilson, J.: "Thank you Mr. President. In conclusion, the policy intended in the proviso is only in the budget because it can not survive the legislative process on its own merits. We cannot have log-rolling in the Senate and our rules are designed to prevent it. For these reasons Mr. President, I respectfully request that you rule that Senate Bill 5693 violates Senate Rule 25. And thank you Mr. President."

Senator Pedersen: "Thank you very much Mr. President. One

of the main components for the test for whether a proviso includes substantive law is whether the proviso redefines rights or eligibility for services found in current law. In this case the answer is clearly no. The proviso in question addresses the ability of the Department of the Fish and Wildlife to buy back certain fishing licenses. Under current law, the Department has very broad authority in relation to regulating licensing, including the ability to allocate the benefits of license buy-backs without legislative direction. This proviso in no way changes or redefines an existing benefit or right. It simply gives additional clarification over how the Department should utilize its existing broad authority. The Department could have chosen to use its authority in this way even without the proviso. For these reasons, I'd ask that you rule the objection is not well taken. And Mr. President, I presume that you are going to need some time to consider this?"

#### MOTION

On motion of Senator Pedersen, further consideration of Engrossed Substitute Senate Bill No. 5693 was deferred, and the bill held its place on the third reading calendar.

#### MOTION

At 6:16 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 6:45 p.m. by President Heck.

#### RULING BY THE PRESIDENT

President Heck: "Before issuing this ruling, the President would like to clarify that this is a parliamentary ruling, not a policy judgment. It is not the role of the President to make policy judgments on points of order but to faithfully apply the rules applicable to this body. The President takes this role seriously, and will continue to abide by this principle.

In ruling upon the point of order raised by Senator Jeff Wilson that Engrossed Substitute Senate Bill 5693 is improperly before the body, as it violates Senate Rule 25 by including substantive law in the budget, the President finds and rules as follows:

Senate Rule 25 provides that, 'No bill shall embrace more than one subject and that shall be expressed in the title.'

As this is identical language to Article II, Section 19 of the State Constitution, the President finds it appropriate to look to those opinions in addition to prior Senate rulings to guide his determinations.

It is clear from these opinions that appropriation bills are fully subject to this provision, and a budget bill is an improper vehicle for substantive law in the budget.

It is equally clear to the President that the Courts and this body have granted greater latitude 'to the legislature in enacting multi-subject legislation under the appropriations bill title than any other, since the purpose of appropriations bills is to allocate monies for the State's multitudinous and disparate needs.' That is found in *Flanders v. Morris*.

In analyzing whether a provision adds substantive law to a budget, the President will look to the four factors called out in previous opinions, although the President cautions that this list may not be exhaustive. Factors to consider include:

1. Whether the change is limited to the fiscal years affected;
2. Whether the proviso or additions were the subject of another bill;
3. Whether rights or eligibility for services are affected; and



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4. Whether an express policy found in statute is being contravened, repealed, or modified in a manner which renders the underlying statutory scheme inoperative.

Turning now to Engrossed Substitute Senate Bill 5693, giving proper deference to the fact that this is an appropriations bill and examining the four factors, the President finds that the proviso complies with all four factors.

It is self-evident that the existence of a policy bill cannot, in and of itself, preempt the body from including the same topic in the appropriations bill, particularly when, as in this case, there was clearly no attempt to simply hang a policy bill on a budget bill.

The President, therefore, finds that Senator Wilson's point is not well taken and Engrossed Substitute Senate Bill 5693 is properly before the body."

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5693.

Senators Rolfes, Robinson and Sheldon spoke in favor of passage of the bill.

Senators Wilson, L. and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5693.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

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

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

Absent: Senator Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Pedersen and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

SECOND READING

SENATE BILL NO. 5689, by Senators Liias, Saldaña, Nguyen, Nobles and Wilson, C.

Making supplemental transportation appropriations for the 2021-2023 fiscal biennium.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5689 was substituted for Senate Bill No. 5689 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, L. moved that the following amendment no. 1204 by Senator Wilson, L. be adopted:

On page 12, line 20, strike "\$2,704,000" and insert "\$3,004,000"

On page 12, line 26, strike "\$4,224,000" and insert "\$4,524,000"

On page 18, after line 21, insert the following:

"(12)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the options and strategies to construct a third bridge over the Columbia river between southwest Washington and Oregon. The study must consider:

(i) Anticipated general purpose traffic demand, including general purpose traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(ii) Anticipated freight traffic demand, including freight traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(iii) A cost-benefit analysis of constructing a third bridge, which must include analysis on the estimated cost to construct a third bridge;

(iv) Potential locations for a third bridge across the Columbia river between southwest Washington and Oregon; and

(v) Preliminary design options for a third bridge.

(b) A final report must be submitted to the transportation committees of the legislature by June 30, 2023."

Senators Wilson, L. and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1204 by Senator Wilson, L. on page 12, line 20 to Substitute Senate Bill No. 5689.

The motion by Senator Wilson, L. carried and amendment no. 1204 was adopted by voice vote.

MOTION

Senator Liias moved that the following amendment no. 1203 by Senator Liias be adopted:

On page 27, beginning on line 4, after "for" strike all material through "steps" on line 11 and insert "implementation of chapter . . . (Substitute House Bill No. 2057), Laws of 2022 (diversity, equity, and inclusion in the state patrol). If chapter . . . (Substitute House Bill No. 2057), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1203 by Senator Liias on page 27, line 4 to Substitute Senate Bill No. 5689.

The motion by Senator Liias carried and amendment no. 1203 was adopted by voice vote.

MOTION

Senator Van De Wege moved that the following amendment no. 1230 by Senator Van De Wege be adopted:

On page 83, line 29, strike "\$44,371,000" and insert "\$49,371,000"

On page 83, line 33, strike "\$3,708,335,000" and insert "\$3,713,355,000"

On page 94, after line 26, insert the following:

"(37) \$5,000,000 of the move ahead WA account—state appropriation is provided solely for safety improvements pursuant to the reducing rural roadway departures program established in Engrossed Substitute Senate Bill No. 5974 (transportation resources). If Engrossed Substitute Senate Bill No. 5974 (transportation resources) is not enacted by June 30, 2022, then the appropriation in this subsection lapses."

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

The President declared the question before the Senate to be the adoption of amendment no. 1230 by Senator Van De Wege on page 83, line 29 to Substitute Senate Bill No. 5689.

The motion by Senator Van De Wege carried and amendment no. 1230 was adopted by voice vote.

#### MOTION

Senator Conway moved that the following amendment no. 1199 by Senator Conway be adopted:

On page 105, line 29, strike "\$96,225,000" and insert "\$146,225,000"

On page 105, line 32, strike "\$514,912,000" and insert "\$564,912,000"

On page 109, after line 12, insert the following:

"(14) \$50,000,000 of the multimodal transportation account—state appropriation is provided solely for the Canyon Road Regional Connection Project."

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

The President declared the question before the Senate to be the adoption of amendment no. 1199 by Senator Conway on page 105, line 29 to Substitute Senate Bill No. 5689.

The motion by Senator Conway did not carry and amendment no. 1199 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following amendment no. 1229 by Senator Fortunato be adopted:

On page 109, after line 12, insert the following:

"(14) \$500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20, 2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner."

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

The President declared the question before the Senate to be the adoption of amendment no. 1229 by Senator Fortunato on page 109, after line 12 to Substitute Senate Bill No. 5689.

The motion by Senator Fortunato carried and amendment no. 1229 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5689.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5689 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Hawkins, McCune, Schoesler, Sefzik, Short and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5975, by Senators Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.

Concerning additive transportation funding and appropriations.

#### MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Sefzik moved that the following amendment no. 1251 by Senator Sefzik be adopted:

On page 6, after line 38, insert the following:

"(6) \$3,000,000 of the climate active transportation account—state appropriation is provided solely for the Bradley road safe routes pedestrian improvement project on the LEAP Transportation Document 2022 NL-2 as developed February 20, 2022."

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

Senator Sefzik spoke in favor of adoption of the amendment. Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1251 by Senator Sefzik on page 6, after line 38 to Substitute Senate Bill No. 5975.

The motion by Senator Sefzik did not carry and amendment no. 1251 was not adopted by voice vote.

Committee on Transportation (originally sponsored by Rolfes and Lovelett)

MOTION

Senator McCune moved that the following amendment no. 1253 by Senator McCune be adopted:

On page 6, after line 38, insert the following:

"(6) \$3,900,000 of the climate active transportation account- state appropriation is provided solely for construction of sidewalks on 78<sup>th</sup> Ave East between 204<sup>th</sup> Street and 176<sup>th</sup> Street in Spanaway. The amount must be deducted from the contingency total on LEAP Transportation Document NL-2 as developed February 20, 2022."

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

Senator McCune spoke in favor of adoption of the amendment. Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 1253 by Senator McCune on page 6, after line 38 to Substitute Senate Bill No. 5975.

The motion by Senator McCune did not carry and amendment no. 1253 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators King, Schoesler, Rivers, Sefzik, Wilson, J. and Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5085, by Senate

Modifying certain alternative fuel vehicles fees.

The bill was read on Third Reading.

MOTIONS

On motion of Senator Pedersen, the rules were suspended and Substitute Senate Bill No. 5085 was returned to second reading for the purposes of amendment.

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5085 was substituted for Substitute Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

SECOND SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

Revised for Second Substitute: Modifying the alternative fuel vehicle fee for electric motorcycles.

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford and Schoesler

SECOND SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5488, by Senators Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.

Completing outstanding financial obligations regarding the

Tacoma Narrows toll bridge project.

#### MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Senators Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)

Revised for Substitute: Concerning state contributions in support of the Tacoma Narrows toll bridge.

#### MOTION

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators King, Muzzall, Schoesler, Wagoner and Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5488.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1878, by House Committee on Appropriations (originally sponsored by Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez)

Increasing public school participation in the community eligibility provision of the United States department of agriculture.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1878.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1878 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford, McCune, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 1878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1735, by House Committee on Public Safety (originally sponsored by Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier)

Modifying the standard for use of force by peace officers.

The measure was read the second time.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1735.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1735 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1286, by House Committee on Health Care & Wellness (originally sponsored by Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham)

Adopting the psychology interjurisdictional compact.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1286 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby)

Continuing the work of the dementia action collaborative.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health and Long Term Care be adopted:

Strike everything after the enacting clause and insert the

following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) In 2020, an estimated 120,000 Washingtonians age 65 and older were living with Alzheimer's disease or another dementia and the number is expected to rise to 140,000 by 2025;

(2) Dementia affects the whole family in many ways, including pulling family members, most often women, out of the workforce to care for their loved ones with the disease;

(3) There are an estimated 295,000 unpaid caregivers in Washington providing 426,000,000 total hours of unpaid care annually;

(4) The legislature authorized the preparation of the first Washington state plan to address Alzheimer's disease and other dementias in 2016; and

(5) There is great value in continuing to improve awareness and services for individuals living with Alzheimer's disease and other dementias, and reestablishing the formal dementia action collaborative to update the state plan and make recommendations is essential.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The dementia action collaborative is established with members as provided in this subsection.

(a) The governor shall appoint the following members, and may appoint additional members at the governor's discretion:

(i) A representative of the governor's office;

(ii) A representative and an alternate from the department in the aging and long-term support administration;

(iii) A representative and an alternate from the department in the developmental disabilities administration;

(iv) A representative and an alternate from the department of health;

(v) A representative and an alternate from the health care authority;

(vi) A representative and an alternate from the office of the state long-term care ombuds;

(vii) At least one person with Alzheimer's disease or another dementia;

(viii) A caregiver of a person with Alzheimer's disease or another dementia;

(ix) A representative of the University of Washington's memory and brain wellness center;

(x) A representative of an organization representing area agencies on aging;

(xi) A representative of an association representing long-term care facilities in Washington;

(xii) A representative of an association representing physicians in Washington;

(xiii) A representative of a Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias;

(xiv) A representative of an Alzheimer's advocacy organization;

(xv) An attorney who specializes in elder law;

(xvi) An Alzheimer's disease researcher;

(xvii) A representative of an organization representing emergency medical service providers in Washington;

(xviii) An expert in workforce development;

(xix) A representative of the Washington state council on aging;

(xx) A representative of the governor's office of Indian affairs;

(xxi) A licensed behavioral health provider with clinical expertise in Alzheimer's disease or other dementias;

(xxii) A representative of a health care organization that primarily serves people of color, including seniors; and

(xxiii) A nurse with expertise in serving individuals with Alzheimer's disease or other dementias.

(b) In appointing members to the dementia action collaborative, the governor shall give priority to persons who had previously served on the Alzheimer's disease working group established pursuant to chapter 89 (Senate Bill No. 6124), Laws of 2014, and its successor work groups.

(2)(a) The secretary or the secretary's designee shall convene the dementia action collaborative and submit all required reports. The secretary or the secretary's designee shall serve as the cochair with either the member representing an Alzheimer's disease advocacy organization or the member representing the Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias.

(b) The department shall provide any necessary administrative support to the dementia action collaborative.

(c) Meetings of the dementia action collaborative must be open to the public. At least one meeting each year must accept comments on the dementia action collaborative's proposed recommendations from members of the public, including comments from persons and families affected by Alzheimer's disease or other dementias. The department must use technological means, such as web casts, to assure public participation.

(3)(a) The dementia action collaborative must assess the current and future impacts of Alzheimer's disease and other dementias on Washington residents, including:

(i) Examining progress in implementing the Washington state Alzheimer's plan adopted in 2016;

(ii) Assessing available services and resources for serving persons with Alzheimer's disease and other dementias, as well as their families and caregivers;

(iii) Examining and developing strategies to rectify disparate effects of Alzheimer's disease and other dementias on people of color; and

(iv) Developing a strategy to mobilize a state response to this public health crisis.

(b) In addition to the activities in (a) of this subsection, the dementia action collaborative must review and revise the Washington state Alzheimer's plan adopted in 2016, and any subsequent revisions to that plan. Revisions to the plan must evaluate and address:

(i) Population trends related to Alzheimer's disease and other dementias, including:

(A) Demographic information related to Washington residents living with Alzheimer's disease or other dementias, including average age, average age at first diagnosis, gender, race, and comorbidities; and

(B) Disparities in the prevalence of Alzheimer's disease and other dementias between different racial and ethnic populations;

(ii) Existing services, resources, and health care system capacity, including:

(A) The types, cost, and availability of dementia services, medicaid reimbursement rates for dementia services, and the effect of medicaid reimbursement rates on the availability of dementia services;

(B) Dementia-specific training requirements for long-term services and supports staff;

(C) The needs of public safety and law enforcement to respond to persons with Alzheimer's disease or other dementias;

(D) The availability of home and community-based resources, including respite care and other services to assist families, for persons with Alzheimer's disease or other dementias;

(E) Availability of long-term dementia care beds, regardless of payer;

(F) State funding and Alzheimer's disease research through

Washington universities and other resources; and

(G) Advances in knowledge regarding brain health, dementia, and risk reduction related to Alzheimer's disease and other dementias since the adoption of the Washington state Alzheimer's plan established in 2016.

(4) The department must submit a report of the dementia action collaborative's findings and recommendations to the governor and the legislature in the form of an updated Washington state Alzheimer's plan no later than October 1, 2023. The department must submit annual updates and recommendations of the dementia action collaborative for legislative and executive branch agency action to the governor and the legislature each October 1st, beginning October 1, 2024.

(5) This section expires June 30, 2028."

On page 1, line 2 of the title, after "collaborative;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health and Long Term Care to Substitute House Bill No. 1646.

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

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Muzzall and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1646 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1646 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1646 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1703, by House Committee on Appropriations (originally sponsored by Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame)

Modernizing the statewide 911 emergency communications

FORTY SEVENTH DAY, FEBRUARY 25, 2022  
 system.

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The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The ongoing modernization of the statewide 911 emergency communications system is essential to public safety. Implementing new technologies with the modernization to next generation 911 requires clarifying changes to update requirements and definitions currently in statute.

Sec. 2. RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, location, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Automatic location identification" means information about a caller's location that is part of or associated with an enhanced or next generation 911 emergency communications system as defined in this section and RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data, or both.

(3) "Automatic number identification" means a method for uniquely associating a communication device that has accessed 911 with the incoming 911 voice or data, or both, and intended for the purpose of display at a public safety answering point.

(4) "Baseline level of 911 service" means access to 911 dialing from all communication devices with service from a telecommunications provider within a county's jurisdiction so that incoming 911 voice and data communication is answered, received, and displayed on 911 equipment at a public safety answering point designated by the county.

(5) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

((2)) (6)(a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

((3)) (7) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

((4)) (8) "Continuity of government planning" means the internal effort of all levels and branches of government to provide

that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide for the continued performance of essential functions and services by each level and branch of government.

((5)) (9) "Continuity of operations planning" means the internal effort of an organization to provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

((6)) (10) "Department" means the state military department.

((7)) (11) "Director" means the adjutant general.

((8)) (12) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

((9)) (13)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

((10)) (14) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ((9)) (13)(b) of this section.

((11)) (15) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(16) "Emergency services communications system data" includes voice or audio; multimedia, including pictures and video; text messages; telematics or telemetrics; or other information that is received or displayed, or both, at a public safety answering point in association with a 911 access.

(17) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform

emergency management activities.

((42)) (18) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

((43)) (19) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

((44)) (20) "First informer broadcaster" means an individual who:

(a) Is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(b)(i) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or (ii) provides technical support services to broadcasters needed during a period of proclaimed emergency.

((45)) (21) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

((46)) (22) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

((47)) (23) "Interconnected voice over internet protocol service provider" means a provider of interconnected voice over internet protocol service as defined by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(24) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

((48)) (25) "Local director" means the director of a local organization of emergency management or emergency services.

((49)) (26) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

((50)) (27) "Next generation 911" means an internet protocol-based system comprised of managed emergency services internet protocol networks, functional elements (applications), and databases that replicate enhanced 911 features and functions as defined in RCW 82.14B.020(4) that provide additional capabilities designed to provide access to emergency services from all connected communications sources and provide

multimedia data capabilities for public safety answering points.

(28) "Next generation 911 demarcation point" means the location and equipment that separates the next generation 911 network from:

(a) A telecommunications provider's network, known as the ingress next generation 911 demarcation point; and

(b) A public safety answering point, known as the egress next generation 911 demarcation point.

(29) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next generation 911 emergency communications system" includes future modernizations to the 911 system.

(30) "Next generation 911 emergency services internet protocol network" means a managed internet protocol network used for 911 emergency services communications that is managed and maintained, including security and credentialing functions, by the state 911 coordination office to provide next generation 911 emergency communications from the ingress next generation 911 demarcation point to the egress next generation 911 demarcation point. It provides the internet protocol transport infrastructure upon which application platforms and core services are necessary for providing next generation 911 services. Next generation 911 emergency services internet protocol networks may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, federal, national, and international levels to form an internet protocol-based inter-network (network of networks).

(31) "Next generation 911 service" means public access to the next generation 911 emergency communications system and its capabilities by accessing 911 from communication devices to report police, fire, medical, or other emergency situations to a public safety answering point.

(32) "Political subdivision" means any county, city or town.

((24)) (33) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

((22)) (34) "Public safety answering point" means the public safety location that receives and answers 911 voice and data originating in a given area as designated by the county. Public safety answering points must be equipped with 911 hardware, software, and technology that is accessed through 911 and is capable of answering incoming 911 calls and receiving and displaying incoming 911 data.

(a) "Primary public safety answering point" means a public safety answering point, as designated by the county, to which 911 calls and data originating in a given area and entering the next generation 911 network are initially routed for answering.

(b) "Secondary public safety answering point" means a public safety answering point, as designated by the county, that only receives 911 voice and data that has been transferred by other public safety answering points.

(35) "Radio communications service company" (~~has the meaning ascribed to it in RCW 82.14B.020~~) means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court,



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and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

~~((23))~~ (36) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(37) "Telecommunications provider" means a telecommunications company as defined in RCW 80.04.010, a radio communications service company as defined in RCW 38.52.010, a commercial mobile radio service provider as defined in 47 C.F.R. Sec. 20.3, providers of interconnected voice over internet protocol service as defined in RCW 38.52.010, and providers of data services.

(38) "Washington state patrol public safety answering points" means those designated as primary or secondary public safety answering points by the counties in which they provide service.

**Sec. 3.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the

furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state ~~((enhanced))~~ 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide ~~((enhanced))~~ 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010~~((6))~~ (13). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations

planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

(13) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident.

**Sec. 4.** RCW 38.52.440 and 2017 c 295 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the director, through the state ~~((enhanced))~~ 911 coordinator, and in collaboration with the department of health, the department of social and health services, the Washington state patrol, the Washington association of sheriffs and police chiefs, the Washington council of police and sheriffs, the state fire marshal's office, a representative of a first responder organization with experience in addressing the needs of a person with a disability, and other individuals and entities at the discretion of the director, must assess, and report back to the appropriate committees of the legislature by December 1, 2018, regarding:

(a) The resources, capabilities, techniques, protocols, and procedures available or required in order to include as part of the enhanced 911 emergency service the ability to allow an immediate display on the screen indicating that a person with a disability may be present at the scene of an emergency, the caller's identification, location, phone number, address, and if made available, additional information on the person with a disability that would assist the first responder in the emergency response;

(b) How best to acquire, implement, and safeguard a secure website and the information in the system provided by a person with a disability, or a parent, guardian, or caretaker of a person with a disability in order to make such information directly available to first responders at the scene of an emergency or on the way to the scene of an emergency;

(c) What information provided by a person must remain confidential under state or federal law, or otherwise should remain confidential without written permission to release it for purposes of chapter 295, Laws of 2017 or the information is otherwise releasable or available under other provisions of law; and

(d) The need to provide various agencies and employees that are first responders and emergency personnel immunity from civil liability for acts or omissions in the performance of their duties, and what standard should apply, such as if the act or omission is the result of simple negligence, gross negligence, or willful misconduct.

(2) For purposes of this section:

(a) Both "accident" and "emergency" mean an unforeseen combination of circumstances or a resulting situation that results in a need for assistance or relief and calls for immediate action; and

(b) "Person with a disability" means an individual who has been diagnosed medically to have a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability.

**Sec. 5.** RCW 38.52.500 and 1991 c 54 s 1 are each amended to read as follows:

The legislature finds that a statewide emergency communications network of ~~((enhanced))~~ 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that statewide implementation of ~~((enhanced))~~ 911 telephone service is feasible and should be accomplished as soon as practicable.

**Sec. 6.** RCW 38.52.501 and 2002 c 341 s 1 are each amended to read as follows:

The legislature finds that statewide ~~((enhanced))~~ 911 emergency communications service has proven to be a lifesaving service and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and transmit the 911 call. The legislature also finds that it is in the best public interest to ensure that there is adequate ongoing funding to support ~~((enhanced 911 service))~~ necessary 911 system upgrades as technology evolves to next generation 911 technology and beyond for 911 emergency communications baseline service statewide that supports emerging communications devices.

**Sec. 7.** RCW 38.52.505 and 1999 c 24 s 2 are each amended to read as follows:

The adjutant general shall establish rules on minimum information requirements of automatic location identification for the purposes of ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the governing body of a city or county to take into consideration local circumstances when approving the accuracy of location information generated when calls are made to 911 from facilities within his or her service area.

**Sec. 8.** RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each amended to read as follows:

(1) Each county, singly or in combination with one or more ~~((adjacent))~~ counties, must ~~((implement))~~ provide or participate in countywide or multicounty-wide ~~((enhanced))~~ 911 emergency communications systems so that ~~((enhanced))~~ 911 is available throughout the state. The county must provide funding for the ~~((enhanced))~~ 911 communications system in the county in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county less any applicable administrative fee charged by the department of revenue or the amount necessary to provide full funding of the system in the county. The state ~~((enhanced))~~ 911 coordination office established by RCW 38.52.520 must assist and facilitate ~~((enhanced))~~ 911 implementation throughout the state.

(2) A county may request a Washington state patrol public safety answering point to become a primary public safety answering point and receive 911 calls from a specific geographical area and may cancel that designation at any time.

**Sec. 9.** RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state ~~((enhanced))~~ 911 coordination office, headed by the state ~~((enhanced))~~ 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

(1) ~~((Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state))~~ Administering the 911 account established in RCW 38.52.540;

(2) Seeking advice and assistance from, and providing staff support for ~~((;))~~ the enhanced 911 advisory committee;

(3) Providing and supporting 911 emergency communications

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systems, which may include procurement, funding, ownership, and management;

(4) Assisting the counties and Washington state patrol public safety answering points by distributing state 911 emergency communications system funding within the priorities identified in RCW 38.52.545. When designated as a primary public safety answering point by the county, the state 911 coordination office may provide funding for Washington state patrol public safety answering point 911 emergency communications systems;

(5) Develop forms, submission dates, and methods as necessary for all public safety answering points to submit reports;

(6) Recommending to the utilities and transportation commission by August 31st of each year the level of the state ((enhanced)) 911 emergency communications system excise tax established in RCW 82.14B.030(5) for the following year;

((4) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state enhanced 911 funding may be expended, with the advice and assistance of the enhanced 911 advisory committee; and

(5) Providing an annual update to the enhanced)) (7) Establishing rules that:

(a) Determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes, under RCW 82.14B.030, may be used to fund;

(b) Determine how appropriated funds from the state 911 account shall be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated Washington state patrol primary public safety answering points for specific assistance; and

(c) Specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law. The authority given to the state 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies; and

(8) Annually providing a complete report to the 911 advisory committee on ((how much money each county has spent on));

(a) Efforts to modernize their existing enhanced 911 emergency communications system; ((and

(b) Enhanced 911 operational costs)) (b) All public safety answering points expenditures for administrative and operational costs and expenses of the 911 emergency communications system; and

(c) Any additional data that may be identified by the 911 advisory committee.

**Sec. 10.** RCW 38.52.525 and 1995 c 243 s 9 are each amended to read as follows:

The state ((enhanced)) 911 coordination office may develop and ((implement)) provide public education materials ((regarding the capability of specific equipment used as part of a private telecommunications system or in the provision of private shared telecommunications services to forward automatic location identification and automatic number identification)) relating to the 911 emergency communications system.

**NEW SECTION. Sec. 11.** A new section is added to chapter 38.52 RCW to read as follows:

The 911 advisory committee is created to advise and assist the state 911 coordinator in coordinating and facilitating the implementation and operation of 911 throughout the state. The director shall appoint:

(1) County 911 representatives from diverse urban and rural geographical counties;

(2) The statewide 988 coordinator or designee identified by the

office of the governor;

(3) Those who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the association of public communications officials Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, and the Washington state association of counties;

(4) The utilities and transportation commission or commission staff;

(5) A representative of a voice over internet protocol company;

(6) An equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state;

(7) A representative of the Washington state department of health; and

(8) Other members identified and appointed by the director.

**Sec. 12.** RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each amended to read as follows:

((On an annual basis)) (1) Annually, the ((enhanced)) 911 advisory committee must provide an update on the status of ((enhanced)) 911 service in the state to the appropriate committees in the legislature. The update must include progress by the state 911 coordination office and the counties towards ((creating greater efficiencies in enhanced)) continual growth and maintenance of a 911 emergency communications system with greater efficiencies in 911 operations including, but not limited to, regionalization of facilities, centralization of equipment, ((and)) statewide purchasing, strategic plan performance, and fiscal health of the 911 emergency communications system.

(2) To assist with modernization of the 911 emergency communications system, all counties operating public safety answering points in Washington state, with the exception of tribal nations, must assist the 911 advisory committee to update the legislature annually within the requirements of RCW 38.52.520(8) by providing annual public safety answering point expenditure reports and additional information as necessary requested by the state 911 coordinator's office.

(3) To assist with modernization of the 911 emergency communications system, public safety answering points providing service in multiple counties shall report to the county where they are physically located. Public safety answering points providing services outside of Washington state borders shall limit reporting to those areas within the boundaries of Washington state. Counties receiving services from a public safety answering point outside of Washington state must report the cost of services into their county.

**Sec. 13.** RCW 38.52.535 and 1998 c 245 s 32 are each amended to read as follows:

The state ((enhanced)) 911 coordination office and the ((enhanced)) 911 advisory committee may participate in efforts to set uniform national standards for ((automatic number identification and automatic location identification data transmission for private telecommunications systems and private shared telecommunications services)) the 911 emergency communications system.

**Sec. 14.** RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each amended to read as follows:

(1) The ((enhanced)) 911 account is created in the state

treasury. All receipts from the state (~~(enhanced)~~) 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used (~~(only)~~) to support the priorities established in RCW 38.52.545, procure, fund, and manage the statewide 911 emergency communications system network, purchase goods and services that support the counties and Washington state patrol public safety answering points in providing 911 baseline level of service statewide, assist the counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs, acquire 911 hardware, software, and technology appropriate to support a 911 emergency communications system, 911 emergency communications training and public education, support the statewide coordination and management of the (~~(enhanced)~~) 911 emergency communications system, (~~(for the implementation of wireless enhanced 911 statewide,)~~ and for (~~(the)~~) modernization needs as technology evolves of (~~(enhanced)~~) the 911 emergency communications systems statewide(~~(, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2013-2015 and the 2015-2017 fiscal biennia, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service).~~

(2) Funds generated by the (~~(enhanced)~~) 911 excise tax imposed by RCW 82.14B.030(5), (6), and (8) may not be distributed to any county that has not imposed the maximum county (~~(enhanced)~~) 911 excise tax allowed under RCW 82.14B.030(1) through (3). (~~(Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).)~~)

(3) The state (~~(enhanced)~~) 911 coordinator, with the advice and assistance of the (~~(enhanced)~~) 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of (~~(enhanced)~~) the 911 (~~(services for all counties)~~) emergency communications system and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

**Sec. 15.** RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each amended to read as follows:

In specifying rules defining the purposes for which available state (~~(enhanced)~~) 911 moneys may be expended, the state (~~(enhanced)~~) 911 coordinator, with the advice and assistance of the (~~(enhanced)~~) 911 advisory committee, must consider (~~(base)~~) needs (~~(of individual counties for specific assistance)~~) necessary to provide a baseline level of 911 service by individual counties and their designated Washington state patrol public safety answering points. Priorities for available (~~(enhanced)~~) 911 emergency communications system funding are as follows:

(1) To procure, fund, and manage the statewide 911 network and supporting services, and assure that 911 dialing is operational statewide;

(2) To assist counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs as

necessary to assure that they can achieve a (~~(basic service)~~) baseline level of service for 911 operations; and

(3) To assist counties (~~(as practicable to acquire items of a capital nature appropriate to modernize 911 systems and increase 911 effectiveness)~~) and their designated Washington state patrol public safety answering points to acquire 911 hardware, software, and technology to support a 911 emergency communications system baseline level of service.

**Sec. 16.** RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each amended to read as follows:

A telecommunications company, radio communications service company, or interconnected voice over internet protocol service company, providing emergency communications systems or services or a business or individual providing database information to (~~(enhanced)~~) 911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual, the state, political subdivisions and any 911 public corporations in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to an (~~(enhanced)~~) 911 emergency communications service; or

(2) Design, development, installation, maintenance, or provision of consolidated (~~(enhanced)~~) 911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

**Sec. 17.** RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each amended to read as follows:

The state (~~(enhanced)~~) 911 coordinator, with the advice and assistance of the (~~(enhanced)~~) 911 advisory committee, must set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies and interconnected voice over internet protocol service companies to (~~(enhanced)~~) 911 emergency communications systems. These standards must be modernized to align with national standards adopted by the state of Washington in rule making and not exceed the requirements set by the federal communications commission. The authority given to the state (~~(enhanced)~~) 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies.

**Sec. 18.** RCW 38.52.575 and 2015 c 224 s 6 are each amended to read as follows:

(1) Information contained in an automatic number identification or automatic location identification database that is part of a county (~~(enhanced)~~) 911 emergency communications system as defined in RCW 82.14B.020 and intended for display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(2) Information voluntarily submitted to be contained in a database that is part of or associated with a county (~~(enhanced)~~) 911 emergency communications system as defined in RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(3) This section shall not be interpreted to prohibit:

(a) Display of information at a public safety answering point;

(b) Dissemination of information by the public safety answering point to police, fire, or emergency medical responders for display on a device used by police, fire, or emergency medical responders for the purpose of handling or responding to emergency calls or for training;

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- (c) Maintenance of the database by a county;
- (d) Dissemination of information by a county to local agency personnel for inclusion in an emergency notification system that makes outgoing calls to telephone numbers to provide notification of a community emergency event;
- (e) Inspection or copying by the subject of the information or an authorized representative; or
- (f) The public disclosure of information prepared, retained, disseminated, transmitted, or recorded, for the purpose of handling or responding to emergency calls, unless disclosure of any such information is otherwise exempted under chapter 42.56 RCW or other law.

**Sec. 19.** RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund ~~((enhanced))~~ 911 emergency communications systems throughout the state on a multicounty or countywide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to impose an excise tax on the use of switched access lines, radio access lines, and interconnected voice over internet protocol service lines.

**Sec. 20.** RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Consumer" means a person who purchases a prepaid wireless telecommunications service in a retail transaction.

~~((2))~~ (3) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

~~((3))~~ (4) "Enhanced 911 emergency communications system" means a public communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice or data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice or data at the appropriate public safety answering point. "Enhanced 911 emergency communications system" includes the modernization to next generation 911 systems.

~~((4))~~ (5) "Interconnected voice over internet protocol service" has the same meaning as provided by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

~~((5))~~ (6) "Interconnected voice over internet protocol service line" means an interconnected voice over internet protocol service that offers an active telephone number or successor dialing protocol assigned by a voice over internet protocol provider to a

voice over internet protocol service customer that has inbound and outbound calling capability, which can directly access a public safety answering point when such a voice over internet protocol service customer has a place of primary use in the state.

~~((6))~~ (7) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

~~((7))~~ (8) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next Generation 911 emergency communications system" includes future modernizations to the 911 system.

(9) "Place of primary use" means the street address representative of where the subscriber's use of the radio access line or interconnected voice over internet protocol service line occurs, which must be:

(a) The residential street address or primary business street address of the subscriber; and

(b) In the case of radio access lines, within the licensed service area of the home service provider.

~~((8))~~ (10) "Prepaid wireless telecommunications service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in full in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

~~((9))~~ (11) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

~~((40))~~ (12) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

~~((44))~~ (13) "Radio communications service company" ~~((has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers))~~ means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

~~((42))~~ (14) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

~~((43))~~ (15) "Seller" means a person who sells prepaid wireless telecommunications service to another person.

~~((44))~~ (16) "Subscriber" means the retail purchaser of telecommunications service, a competitive telephone service, or interconnected voice over internet protocol service. "Subscriber" does not include a consumer, as defined in this section.

~~((45))~~ (17) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

**Sec. 21.** RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of switched access lines in an amount not exceeding seventy cents per month for each switched access line. The amount of tax must be uniform for each switched access line. Each county must provide notice of the tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(2)(a) The legislative authority of a county may also impose a county ~~((enhanced))~~ 911 excise tax on the use of radio access lines:

(i) By subscribers whose place of primary use is located within the county in an amount not exceeding seventy cents per month for each radio access line. The amount of tax must be uniform for each radio access line under this subsection (2)(a)(i); and

(ii) By consumers whose retail transaction occurs within the county in an amount not exceeding seventy cents per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (2)(a)(ii).

(b) The county must provide notice of the tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications services, on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(3)(a) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of interconnected voice over internet protocol service lines in an amount not exceeding seventy cents per month for each interconnected voice over internet protocol service line. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network.

(b) The interconnected voice over internet protocol service company must use the place of primary use of the subscriber to determine which county's ~~((enhanced))~~ 911 excise tax applies to the service provided to the subscriber.

(c) The tax imposed under this section must be remitted to the department by interconnected voice over internet protocol service

companies on a tax return provided by the department.

(d) The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(e) To the extent that a local exchange carrier and an interconnected voice over internet protocol service company contractually jointly provide a single service line, only one service company is responsible for remitting the ~~((enhanced))~~ 911 excise taxes, and nothing in this section precludes service companies who jointly provide service from agreeing by contract which of them must remit the taxes collected.

(4) Counties imposing a county ~~((enhanced))~~ 911 excise tax must provide an annual update to the ~~((enhanced))~~ 911 coordinator detailing the proportion of their county ~~((enhanced))~~ 911 excise tax that is being spent on:

(a) Efforts to modernize their existing ~~((enhanced))~~ 911 communications system; and

(b) ~~((Enhanced))~~ 911 operational costs.

(5) A state ~~((enhanced))~~ 911 excise tax is imposed on all switched access lines in the state. The amount of tax may not exceed twenty-five cents per month for each switched access line. The tax must be uniform for each switched access line. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ~~((enhanced))~~ 911 account created in RCW 38.52.540.

(6)(a) A state ~~((enhanced))~~ 911 excise tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in an amount of twenty-five cents per month for each radio access line. The tax must be uniform for each radio access line under this subsection (6)(a)(i); and

(ii) By consumers whose retail transaction occurs within the state in an amount of twenty-five cents per retail transaction. The tax must be uniform for each retail transaction under this subsection (6)(a)(ii). Until July 1, 2018, a seller of prepaid wireless telecommunications service may charge an additional five cents per retail transaction as compensation for the cost of collecting and remitting the tax.

(b) The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ~~((enhanced))~~ 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(7) For purposes of the state and county ~~((enhanced))~~ 911 excise taxes imposed by subsections (2) and (6) of this section, the retail transaction is deemed to occur at the location where the transaction is sourced under RCW 82.32.520(3)(c).

(8) A state ~~((enhanced))~~ 911 excise tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax may not exceed twenty-five cents per month for each interconnected voice over internet protocol service line whose place of primary use is located in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ~~((enhanced))~~ 911 account created in RCW 38.52.540.

(9) For calendar year 2011, the taxes imposed by subsections (5) and (8) of this section must be set at their maximum rate. By

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August 31, 2011, and by August 31st of each year thereafter, the state ((enhanced)) 911 coordinator must recommend the level for the next year of the state ((enhanced)) 911 excise tax imposed by subsections (5) and (8) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission must by the following October 31st determine the level of the state ((enhanced)) 911 excise taxes imposed by subsections (5) and (8) of this section for the following year.

**Sec. 22.** RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Except as provided otherwise in subsection (2) of this section:

(a) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on switched access lines must be collected from the subscriber by the local exchange company providing the switched access line.

(b) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications service.

(c) The state and county ((enhanced)) 911 excise taxes on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) as provided in RCW 82.14B.030 (2) and (6).

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

**Sec. 23.** RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be paid by:

(i) The subscriber to the local exchange company providing the switched access line, the radio communications service company providing the radio access line, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line; or

(ii) The consumer to the seller of prepaid wireless telecommunications service.

(b) Each local exchange company, each radio communications service company, and each interconnected voice over internet

protocol service company must collect from the subscriber, and each seller of prepaid wireless telecommunications service must collect from the consumer, the full amount of the taxes payable. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company fails to collect the state or county ((enhanced)) 911 excise tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, the interconnected voice over internet protocol service company, or to the department, or until paid by the consumer to the seller of prepaid wireless telecommunications service, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by the local exchange company, radio communications service company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company, radio communications service company, or interconnected voice over internet protocol service company, or a consumer has failed to pay to the seller of prepaid wireless telecommunications service, the state or county ((enhanced)) 911 excise taxes imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

**Sec. 24.** RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read as follows:

The proceeds of any tax collected under this chapter shall be used by the state or county only for the ~~((emergency services communication system))~~ 911 emergency communications system and its administrative and operational costs.

**Sec. 25.** RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each amended to read as follows:

A county legislative authority imposing a tax under this chapter must establish by ordinance all necessary and appropriate procedures for the administration of the county ((enhanced)) 911 excise taxes by the department. A county legislative authority imposing a tax under this chapter must provide the department notification of the imposition of the tax or a change in the tax no less than seventy-five days before the effective date of the imposition of the tax or the change in the tax.

**Sec. 26.** RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each amended to read as follows:

(1) The department must administer and adopt rules as may be necessary to enforce and administer the state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state and county ((enhanced)) 911 excise taxes.

(2) The state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer must remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year.

(4) The state and county ((enhanced)) 911 excise taxes imposed or authorized by this chapter are in addition to any taxes imposed upon the same persons under chapters 82.08, 82.12, and 82.14 RCW.

(5) Returns must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize as provided in RCW 82.32.080.

**Sec. 27.** RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each amended to read as follows:

(1) Counties imposing the ((enhanced)) 911 excise tax under RCW 82.14B.030 must contract with the department for the administration and collection of the tax. The department may deduct a percentage amount, as provided by contract, of no more than two percent of the ((enhanced)) 911 excise taxes collected to cover administration and collection expenses incurred by the department. If a county imposes ((an enhanced)) a 911 excise tax with an effective date of January 1, 2011, the county must contract with the department for the administration and collection of the tax by October 15, 2010.

(2) The remainder of any portion of the county ((enhanced)) 911 excise tax under RCW 82.14B.030 that is collected by the department must be deposited in the county ((enhanced)) 911 excise tax account hereby created in the custody of the state treasurer. Expenditures from the account may be used only for distribution to counties imposing the ((enhanced)) 911 excise tax. Only the director of the department or his or her designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and an appropriation is not required for expenditures.

**Sec. 28.** RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) All moneys that accrue in the county ((enhanced)) 911 excise tax account created in RCW 82.14B.063 must be distributed monthly to the counties in the amount of the taxes collected on behalf of each county, minus the administration and collection fee retained by the department as provided in RCW 82.14B.063.

(2) If a county imposes by resolution or ordinance ((an enhanced)) a 911 excise tax that is in excess of the maximum

allowable county ((enhanced)) 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution may not be considered void in its entirety, but only with respect to that portion of the ((enhanced)) 911 excise tax that is in excess of the maximum allowable tax.

**Sec. 29.** RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each amended to read as follows:

(1) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company must file tax returns on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the company. A company filing returns on a cash receipts basis is not required to pay tax on debt subject to credit or refund under subsection (2) of this section.

(2) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company is entitled to a credit or refund for state and county ((enhanced)) 911 excise taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

**Sec. 30.** RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Unless a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company has taken from the buyer documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line, radio access line, or interconnected voice over internet protocol service line was not a sale to a subscriber, consumer, or was not otherwise subject to the tax is upon the person who made the sale.

(2) If a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company does not receive documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax at the time of the sale, have such documentation on file at the time of the sale, or obtain such documentation from the buyer within a reasonable time after the sale, the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company remains liable for the tax as provided in RCW 82.14B.042, unless the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of the state or county ((enhanced)) 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state or county ((enhanced)) 911 excise taxes due but not paid as a result of the improper use of documentation stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

**Sec. 31.** RCW 82.14B.210 and 1998 c 304 s 11 are each amended to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision



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of state ((enhanced)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, or who is charged with the responsibility for the filing of returns or the payment of state ((enhanced)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, is personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any state ((enhanced)) 911 excise taxes due from the corporation under this chapter. For the purposes of this section, any state ((enhanced)) 911 excise taxes that have been paid but not collected are deductible from the state ((enhanced)) 911 excise taxes collected but not paid. For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer, member, manager, or other person is liable only for taxes collected that became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

(3) Persons liable under subsection (1) of this section are exempt from liability if nonpayment of the state ((enhanced)) 911 excise tax funds held in trust is due to reasons beyond their control as determined by the department by rule.

(4) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160 through 82.32.200.

(5) This section applies only if the department has determined that there is no reasonable means of collecting the state ((enhanced)) 911 excise tax funds held in trust directly from the corporation.

(6) This section does not relieve the corporation or limited liability company of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in chapter 82.32 RCW apply to collections under this section.

**NEW SECTION. Sec. 32.** RCW 38.52.530 (Enhanced 911 advisory committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51, 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991 c 54 s 5 are each repealed."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government & Elections to Substitute House Bill No. 1703.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1703 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1703 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1703 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1748, by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

Concerning aged, blind, or disabled program eligibility for victims of human trafficking.

The measure was read the second time.

MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.04.805 and 2020 c 322 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Have been determined to be eligible for the pregnant women assistance program under RCW 74.62.030 or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c)(i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human

trafficking as defined in RCW 74.04.005 if they have not been issued a social security number:

(d)(i) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for twenty-four consecutive months from the date the department determines pregnant women assistance program eligibility.

(4) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(5) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(6) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of

incapacitation.

(7) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

**Sec. 2.** RCW 74.62.030 and 2018 c 48 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to ~~((alcohol or drug addiction))~~ a substance use disorder. These persons shall be referred to appropriate assessment, treatment, or shelter ~~((or supplemental security income referral services as authorized under chapter 74.50 RCW))~~ services. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to ~~((alcoholics and drug addicts))~~ persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

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(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c)(i) Have furnished the department (~~(his or her)~~) with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in (~~(drug or alcohol)~~) substance use treatment if an assessment by a certified (~~(chemical dependency counselor)~~) substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in (~~(drug or alcohol dependency)~~) substance use treatment, when needed outpatient (~~(drug or alcohol)~~) treatment is not available to the person in the county of (~~(his or her)~~) their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

**NEW SECTION. Sec. 3.** This act takes effect July 1, 2022."

On page 1, line 2 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 74.04.805 and 74.62.030; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to House Bill No.

1748.

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, House Bill No. 1748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1748 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1748 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1748 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 8:56 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 9:10 p.m. by Vice President Pro Tempore Lovick.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 23, 2022

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

ESHB 2076 by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri)

AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies; amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, 48.177.010, and 81.68.015; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 50A.10 RCW; adding a new chapter to Title 46 RCW; and recodifying RCW 48.177.010.

Referred to Committee on Transportation.

#### MOTIONS

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

At 9:13 p.m., on motion of Senator Pedersen, the Senate adjourned until 9:00 o'clock a.m. Monday, February 28, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

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