

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 19, 2024

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present. The flags were escorted to the rostrum by the Nisei Veterans Committee Color Guard comprised of Dale Kaku, Vice Commander, Vietnam Veteran; Allen Nakamoto, Former Commander, Vietnam Veteran; Bob Nakamura, Vietnam Veteran; and Danny Ing, Iraqi Freedom Veteran, Nisei Veterans Committee. The Pledge of Allegiance was led by Alexander Bertelsen and Theo Kaku, Boy Scout Troop 252. The prayer was offered by Reverend Tadao Koyama, Tacoma Buddhist Temple.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2024-4671, by Representatives Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, This day, February 19, 2024, the third Monday of February, we join states across the Union in celebrating Presidents' Day; and

WHEREAS, Presidents' Day was created in honor of two of our nation's greatest presidents' birthdays, George Washington and Abraham Lincoln; and

WHEREAS, George Washington, the namesake of our state, born February 22, 1732, led the Continental Army through the Revolutionary War, was one of the leaders of the Founding Fathers, and became the first president of our great nation in the only unanimous presidential election in our history; and

WHEREAS, Abraham Lincoln, born February 12, 1809, invented the first device to help ships cross sand bars, led the country through the turbulent times of the Civil War, wrote and delivered the historic Gettysburg Address, and was the architect of the Emancipation Proclamation; and

WHEREAS, Today we look back on all Presidents in their efforts to overcome the obstacles they faced, thereby protecting the freedoms ensured to us in the Constitution, lifting the nation up, and leading us towards a more perfect Union; and

WHEREAS, The House of Representatives acknowledge Congress' passage of the Uniform Monday Holiday Act of 1968, which recognizes the third Monday in February as Presidents' Day, a day to remember all those who have served as president and the effect those leaders had on us as a nation;

NOW, THEREFORE, BE IT RESOLVED, That on this 19th day of February 2024, the House of Representatives honor the first and sixteenth presidents for leaving a legacy of renowned leadership in turbulent times and their immeasurable contributions to the furtherment of liberty, equality, and justice in this country.

Representative Nance moved adoption of HOUSE RESOLUTION NO. 4671.

Representatives Nance and Barnard spoke in favor of the adoption of the resolution.

MOTIONS

On motion of Representative Leavitt, Representative Reeves was excused.

On motion of Representative Griffey, Representatives Chandler, Kretz and Graham were excused.

HOUSE RESOLUTION NO. 4671 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) welcomed and recognized the following guests in attendance to observe Day of Remembrance: Secretary of State Steve Hobbs; Senator Bob Hasegawa; Dee Goto, Incarceree; Trudy Hayashida, Incarceree; Sam Owada, Incarceree, Consul General Makoto Iyori, Consulate General of Japan in Seattle; Japanese American Citizens League, Olympia Chapter; Japanese American Citizens League, Seattle Chapter; Japanese Community and Cultural Center of Washington; Japan America Society of the State of Washington; Japanese Business Association of Seattle; and the Japanese American Leadership Delegation.

The Speaker (Representative Bronoske presiding) recognized guests from the Republic of Korea: Jeonlabugdo Provincial Councilmembers and Chair, Kook Ju Yeong Eun, Chairperson; Lee Jeong Rin, Vice Chairperson; Kim Man Gi, Vice Chairperson; and Lee Byung Chul, Chairman of the Environmental Welfare Committee.

RESOLUTION

HOUSE RESOLUTION NO. 2024-4672, by Representatives Shavers, Stonier, Santos, Taylor, Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese-American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese-Americans from Bainbridge Island, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed ten mass incarceration sites for Japanese-Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation allegedly aimed to prevent acts of espionage and sabotage by Japanese-Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese-Americans, the 442nd Regimental Combat Team, most of whom reported for military duty from the concentration camps in which they and their families were held as prisoners surrounded by barbed wire and armed guards; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314 percent and earning a collective seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, one Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese-Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese-Americans suffered immense economic loss of property and assets, experienced immeasurable physical and psychological harm as individuals and collectively as a community, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese-American incarcerated, thus initiating a 10-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Vowing *Nidoto Nai Yoni* – Let it Not Happen Again, the Japanese-American community now wields the lessons of this experience to fight for equity and justice in solidarity with all Americans who seek to protect and preserve the civil liberties we are guaranteed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the 82nd anniversary of the signing of Executive Order 9066; to recognize and remember Japanese-American veterans, incarcerated, and civil rights activists from the State of Washington, and to reflect on, and honor the lessons, blessings, and responsibilities of the phrase, "...with liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese-American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Shavers moved adoption of HOUSE RESOLUTION NO. 4672.

Representative Shavers: "Mr. Speaker, I've always believed that as public servants our duty is to solve tomorrow's problems today. To do that we must learn from the past so that we can act better for the future. Today we are gathered to reflect on the tragic injustice in our history. A dark aspect in our story. About the corrosive effects of hate on our democracy. We come together today to share in the story of pain and suffering of Japanese Americans wrongly incarcerated. The story of hope and resilience of families behind barbed wire and a country that rejected them. The stories of true patriotism of Japanese American service

members during World War II. We remember this day because their story is our combined American story. It is the story of progress - one because of countless acts of self-sacrifice, of resilience by extraordinary Japanese Americans. They knew but one loyalty and that loyalty was to the Stars and Stripes. To do their American part in every way possible. And to offer themselves to the service of their country by leading the movement to change themselves through protests and struggles in the courts and on the battlefields. The choices and actions of our great Japanese Americans during a time of pain and suffering reflect the best of America. And like many others, their story is my story. Giving people born of two worlds a chance to honor their sacrifice and to fight for a better, more inclusive future. Mr. Speaker, America is in a tumultuous time. A time of great polarization. A time of great suffering and pain. Of cynicism and hopelessness. And we ask ourselves, what can we do? Who do we look up to? Well, I point to this moment in American history. To the Japanese Americans who cared so much and who fought so hard for a democracy. Who believe in a country that gives hate no safe harbor. That dignity, honor and sacrifice is the antidote to fear and prejudice. Who believe that our nation no matter the stumbles can and will always live up to our principles of liberty and justice for all. So, Mr. Speaker today, let us honor and remember their bravery, sacrifice and spirit. Let us make this sacred pledge to keep fighting for an America that is free. A democracy that is not built on ethnicity or religion or geography. But a democracy that is built on an idea, 'Kuninot Tamani' - service to our country. Thank you."

Representative Chambers: "Thank you, Mr. Speaker. I rise today in support of House Resolution 4672. Almost 82 years ago, the lives of 120,000 Japanese Americans, 7400 whom called Washington home, were changed forever. 74 days after the attack on Pearl Harbor, reason succumbed to fear and America etched a dark chapter into the tapestry of its history. On February 19th, 1942, President Franklin Delano Roosevelt signed Executive Order 9066. With a stroke of his pen, the President robbed mothers, fathers, children, grandparents of their freedom. Uprooting them from their homes and putting them in camps surrounded by barbed wire and guards. They were guilty of nothing. Yet lost everything. All because of their heritage. Here in Washington, at the Puyallup Fairgrounds, known today as the Washington State Fair, a source of so much pride and joy for many, transformed into a prison. Euphemistically named Camp Harmony. Cramped into makeshift barracks on racetracks and under grandstands, families faced harsh conditions and humiliation. 437 long days. Work was hard. Privacy was non-existent. Food was basic. Sanitation was mediocre. This became the day-to-day reality for thousands. Men were assigned work details outside of the camp, clearing land, digging ditches, and working on nearby farms. Women worked in the camp, tending communal gardens. Sewing clothing for families and helping with meal preparation in the mess halls. Every task, the laborious and mundane, all a result of stolen freedom. Older children, often helped with chores and took care of younger siblings. Imagine how they would have long to spend their days playing and simply being kids. When the gates of the Puyallup Assembly Center, known as Camp Harmony, finally opened after those 437 long days, prisoners walked back out into the world, for many that hadn't changed, but for them had changed everything. Their experience left psychological scars. Anxieties about security. A sense of displacement. And a lingering fear of discrimination. While many were able to return to their jobs and homes, others struggled to rebuild their lives. Today we reflect on the pain of those who suffered while reaffirming our commitment to learn from the mistakes of the past.

The Japanese American Citizens League, with assistance from the capital budget funding, will soon construct a permanent remembrance gallery at the Washington State Fair in Puyallup. The name of every prisoner will be inscribed. Stories will be told through exhibits. And lessons will be illuminated for the more than one million visitors who come to the fairgrounds each year. This enduring tribute will offer a window of reflection and dialogue, cultivating empathy, inspiring action against discrimination in all its forms. As we reflect on this Day of Remembrance, I want to close with this. America, as imperfect as she is, is still the shining city on a hill for millions around the

world who risk everything to reach her shores. They don't come from a spotless past, but for the ideals woven into her fabric that are constantly moving us forward toward a more perfect union. Thank you for the opportunity to speak today in support of House Resolution 4672."

Representative Santos: "Thank you, Mr. Speaker. Once again, I am incredibly proud and privileged, and filled with gratitude, to stand before you to ask for your support for this resolution. I'm incredibly proud because, now I could be wrong, but I do believe that this is the longest continuously - perhaps only - legislative observance of Day of Remembrance in the country. We may not have celebrated in 2001, I really can't remember since there was a little thing called the Nisqually earthquake, but we have made a commitment in this chamber, in this legislature, each year to pause - even in our busiest moments like today, the day before policy cutoff for opposite house - to remember.

Why do we remember, Mr. Speaker? We remember because, as you've heard, there are lessons to be remembered. But Mr. Speaker, we pause, I pause because there are personal stories to be remembered and, each year, the number of World War II vets and former incarcerated that walk among us, dwindle. This is part of our history as Washington State and so today, Mr. Speaker, I'd like to share with you the names of some Washingtonians who have contributed significantly to my being here today to speak to you.

People like James Sakamoto. Now, he was a boxer. He was born in Seattle. He went to Bailey Gatzert Elementary school. He was also a newspaper publisher - and he did that while blind - but, most important, he was the founder of the precursor to the Japanese-American Citizens' League, which is the oldest Asian American civil rights organization in the country. Sadly, Mr. Sakamoto, after having an illustrious career both here and in New York, came back and was hit by a car and he died. But the Citizens League, the Japanese American Citizens League, left an imprint on our lives and on our nation.

People like Gordon Hirabayashi, you may have heard, also born in Seattle but a graduate of Auburn High School, who was a peaceful resistor to all of the orders - from curfew to evacuation to relocation. He was made famous because the U.S. Supreme Court denied him his fundamental birthrights as an American-born citizen by declaring him to be a criminal. And he had to live out his adult professional life in Canada. He was further made famous along with a trio of others for bringing what we call the coram nobis cases to the United States Supreme Court, where they were able to reverse those wrong-headed decisions of injustice.

People like William Nakamura, whose name graces our Seattle Federal Courthouse, and James Okubo, whose name is on the Medical and Dental center at JBLM. Both Congressional Medal of Honor winners. William, a graduate of Garfield High School, was a private first class who was killed in action on July 4, 1944, in Italy. James Okubo was born in Anacortes and was a graduate of Bellingham High School. When he went into the service, he had special skills that lent him to be a medical tech. He was able to return back from the war, settle, marry, raise a family. And he, too, lost his life in an auto accident.

I lift up to you, Mr. Speaker, the names of Henry Miyatake and Shoshuke Sasaki, men who were from Seattle - Henry being born in Seattle and Shoshuke immigrating to Seattle and graduating from Broadway High School - who were the architects of what was called the Seattle Plan. This was the first plan to designate the notion of compensation for injustices for wrongful imprisonment to Japanese Americans, eventually known as redress. I remember Shoshuke, who was very slight man, but who had a deep baritone voice, and it's not surprising to me that he became the spokesperson of what was to become the Seattle Evacuation Redress Committee.

Women, like Cherry Kinoshita, who was one of the early female presidents of the Japanese American Citizens League and a relentless, dogged champion of redress with all the members of Congress. Mr. Speaker, you might have some constituents like this who are very persistent about reaching out and touching you about the issues that they are passionate about. Cherry was one of these women who reached out regularly to Congressman Lowry and to all of the Nikkei members of Congress to pass the redress bill.

And Ruthann Kurose, Congressman Lowry's aide, who helped draft the redress plan and shepherd it through Congress. She is the

first Nikkei to serve as an aide in the halls of Congress. She was also a Garfield grad, but I might also add, as a practicing Quaker through her mother, was also a student at the Freedom Schools in the 1960s in Seattle.

And finally, Mr. Speaker, I would lift to your attention my first seatmate, the beloved Kip Tokuda, after whom we have named the Civil Liberties Public Education Fund because he was one of the first Members of this body to recognize civil liberties and Day of Remembrance here.

Mr. Speaker, that is why I stand today: to remember these nine people, eight of whom are no longer with us, because we cannot forget the stories that bring us as Washingtonians to our state Capitol in the name of liberty and justice for all; to remember, and to resist actions that belie our Constitution and those freedoms that we believe in, actions that I encounter daily when I am on the streets and being told to go back to where I come from. I come from this country, Mr. Speaker, just like a long list of Japanese Americans who believed in this country and believe that even though we are not perfect today, we can strive towards a more perfect union, and we can acknowledge our wrongs.

Mr. Speaker, my presence here today is an act of resistance on the part of an entire community, and so I ask you to remember on this Day of Remembrance that it's not enough to just set aside the time. It is also important that we act with these values in our heart and at the forefront of our minds.

Thank you, Mr. Speaker."

Representative Robertson: "Thank you, Mr. Speaker. Rising in support of House Resolution 4672. This is indeed an important day of reflection. For we must learn from our history, Mr. Speaker. So that we not repeat it. Let us start with July 4th, 1776. The land of immigrants. The land of freedom. Which welcomed those who were oppressed from all over the world. Looking for an opportunity and a unique country like none other. Then came some grave injustice based on fear and war. It was a test of our democracy for sure. Unfortunately, We as a country failed. Folks that were citizens, here legally, were interned and imprisoned and relocated by our president. Folks from all over the country, many, many from Washington State. 120,000 Japanese Americans were forced to relocate and imprisoned. Removed from their homes, their schools, their jobs, their communities, and yes, half of them were children. 12,000 of those were here, Washingtonians. Sadly, this is the historical part, our Congress, Mr. Speaker, abdicated their important responsibility and left it to a singular person to make that decision. The President of the United States. The President signed that order to relocate and intern citizens based solely on ethnicity. And unfortunately, our US Supreme Court, Mr. Speaker, failed us when on a divided decision, 6-3, they affirmed Korematsu versus US based on race and ancestry. They failed to recognize that Korematsu was a proud legal American. Locally, Shiyoji Kawabata was 12 years old and stripped from his Fife home along with his parents and they were all sent to Idaho. There were so many families in the Auburn community which I represent that were also moved to Idaho or to Puyallup or other places around the country based solely on their race and ethnicity. Communities like Thomas, which is down in northwest of Auburn, was full of our Japanese-American families. That community was devastated and it's never really recovered. Even after the economic loss, the physical harm, the psychological damage caused to the Japanese Americans, these families returned home to Auburn, Fife and Sumner. They were our neighbors. They're patriots. They came home. And from then on, they have been part of the fabric of our community. The good news is our country has learned and apologized for these misguided acts and our collective political failure. Grave injustices, atrocity, let us Mr. Speaker, let us apologize again. We remember today so that we not make the mistakes of the past. That we never abdicate our responsibility as a legislative body. That we are the check on the executive branch in an important, independent presence in our system of three branches of government. Yes, Mr. Speaker, that was the balance that our forefathers had envisioned. Only then, will we ensure that this never happens again. I urge your support of this resolution."

Representative Stonier: "Thank you, Mr. Speaker. I've had the opportunity to stand in honor of a house resolution, remembering Executive Order 9066 every year that I've been a

member of this body. To tell different chapters of my family story. The stories of my uncles who fought in the 442nd. Who brought home a flag that flew over their base camp. And to fly that flag over this state's Capitol with permission of the governor. Stories of my great grandfather's garden on Poplar Street in Oxnard, California, where Takasugi fruit and flower bloomed. And even now, remembering New Year's Day Japanese treats that we have every year at my house and watching my children, now both in college, snacking on those treats as I did when I was a toddler. But so many years passed after the internment, over 40 years until 1988, when the Civil Liberties Act finally acknowledged the injustice brought forth by our nation's leaders.

Mr. Speaker, in an earlier remark on the previous resolution, you heard of this question of celebration of presidents of years past. How do we explain that on days when we are expected to celebrate and revere leaders who have done us wrong to our young people? Well, truth matters. It means that our young people have to have the real honest truth about what did happen. Feature films have been made about the lies told leading up to the internment, false information, and political influence. Unfounded claims of espionage that led to many, including my family, to be interned.

Mr. Speaker, this past summer I had the opportunity to chaperone over 40 young people to Washington DC to learn about their nation's history and to be ambassadors of her future. We visited the national Japanese American Memorial. The teacher leading that trip asked students, 'why is it that you think this memorial is so far off the mall where all of the other visiting spots are for our trip?' And it was those young people that were able to say, maybe we're just not proud of this one at this point in history, as we are of some of the other memorials on the mall.'

Mr. Speaker, as an English teacher, I can remember the titles that my students wanted to read. The ones that were picked up the most when we were studying this time in history, titles like *Farewell to Manzanar*. Books like *Baseball Saved Us In Stealing Home*, strong connection to ways that young people survive the internment, *A Place To Call Home, So Far From the Sea* and George Takei's book, *They Called Us Enemy*. These are books that bring these stories to life. That teach our children the empathy. An opportunity to put themselves in a position where they might understand and take for a moment an opportunity to think about what it would be like to be in someone else's shoes. And to recognize that these things happen as a function of decisions made by our nation's leaders.

Mr. Speaker, doesn't it stand as true to you as it does to me that the way forward is by remembering and teaching out of our dark history and into a brighter one?

Mr. Speaker, doesn't it stand as true to you as it does to me that a day like today when we remember can be just as healing as it can bring hurt?

And doesn't it stand just as true to you, Mr. Speaker, as it does to me, that our injustices in this nation, are interwoven and so is the process of healing.

Thank you."

HOUSE RESOLUTION NO. 4672 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

Friday, February 16, 2024

Mme. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1964

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2024

SB 5508

Prime Sponsor, Senator Short: Promoting local agriculture through greenhouses. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2024

ESSB 5801

Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning special deposits. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Robertson, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Connors; Donaghy; Hackney; Ryu; Sandlin and Santos.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5806

Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning the confidentiality of insurance company data. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Robertson, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Connors; Donaghy; Hackney; Ryu; Sandlin and Santos.

Referred to Committee on Rules for second reading

February 16, 2024

SB 5842

Prime Sponsor, Senator Kuderer: Restricting the use of social security numbers by insurance companies for the purpose of determining child support debt. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Taylor, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Abbarno; Cheney; Entenman; Goodman; Peterson; Thai and Walen.

Referred to Committee on Rules for second reading

February 16, 2024

SB 5885

Prime Sponsor, Senator Torres: Concerning procedures for certificates of annexation submitted to the office of financial management. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2024

ESSB 5890

Prime Sponsor, State Government & Elections: Reducing ballot rejection rates through updates to ballot curing, canvassing, reporting, and outreach processes. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.60.165 and 2019 c 167 s 1 are each amended to read as follows:

(1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, and advise the voter both that their ballot is unsigned and of the correct procedures for completing the unsigned declaration. If the ballot is received within ~~((three))~~ five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least ~~((three))~~ five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, enclosing a copy of the declaration if notified by first-class mail or email, and advise the voter both that the signature on the ballot declaration does not match the signature on file and of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within ~~((three))~~ five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least ~~((three))~~ five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, text message, or email, using the voter registration record information.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter's name ~~((is different))~~ has changed, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the

ballot may be counted as long as the surname and handwriting are clearly the same.

(3) If the auditor calls a voter who neglected to sign the ballot declaration or whose signature on the ballot declaration does not match the signature in the registration file and the voter does not answer, but voice mail is available, the auditor shall leave a voice mail message.

(4) An auditor who provides electronic means for submission of a ballot declaration signature shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the auditor and is only used for the stated purposes of verifying the signature on the voter's ballot.

(5) If a voter's ballot is rejected in two consecutive primary or general elections due to a mismatched signature, the auditor must contact the voter by telephone, text message, or email, if the auditor has a telephone number or email address on file for the voter, and request that the voter update their signature for the voter's registration file.

(6) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

~~((4))~~ (7) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information. The record must be updated each day that ballots are processed under RCW 29A.60.160, each time a voter was contacted or the notice was mailed, and when the voter submitted updated information. The auditor shall send the record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The secretary of state shall make all records publicly available no later than twenty-four hours after receiving the record.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW to read as follows:

After certification of general, primary, and presidential primary election results, county auditors are encouraged to contact each registered voter to obtain an updated signature for the voter's registration file. Failure to respond to contact from the county auditor under this section shall not impact the voter's registration status. Any contact from a county auditor under this section must clearly state that the voter is not required to provide an updated signature and that providing an updated signature is not a requirement to vote in any future election.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.60 RCW to read as follows:

(1) The secretary of state shall:
(a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration is the same as the signature of that voter

in the county's registration files as required by RCW 29A.40.110(3);

(b) Adopt, publish, and regularly update a training manual, reviewed by appropriate experts, for the use of local election personnel in implementing the standards adopted under (a) of this subsection; and

(c) Design and implement tools intended to confirm compliance with these standards. These tools shall be available to county auditors for compliance, and may include comparisons, at random intervals, of whether rejections of signatures on ballot declarations for failure to match the voter's signature in the county's registration files comply with the standards adopted under (a) of this subsection.

(2) All training materials for canvassing review board members and election personnel on the statewide standards for signature verification established in this section must be open to the public for observation.

NEW SECTION. Sec. 4. A new section is added to chapter 29A.60 RCW to read as follows:

The secretary of state shall design forms for voters to use in completing incomplete ballot declarations and forms to be used by voters in updating a voter's signature in the county's registration files in the various languages required of state agencies. The forms must include the oath and warning language used on voter registration forms. Each county auditor shall provide these forms on the auditor's website and in the auditor's office.

NEW SECTION. Sec. 5. A new section is added to chapter 29A.60 RCW to read as follows:

(1) Each county auditor shall develop a community outreach plan to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter registration files. The outreach plan shall include materials for publication on the county auditor's website and distribution in communities throughout the county that clearly explain signature verification requirements and the process of updating signatures in voter registration files or curing challenged ballots under RCW 29A.60.165. Materials prepared under the outreach plan should be written clearly and in plain language. Materials must be produced in English, Spanish, and any other language required by the federal voting rights act. Materials prepared as part of the outreach plan should be informed by the data collected in the survey required by RCW 29A.60.300 and should target groups with higher rates of ballot rejection. The secretary of state may assist in preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about statewide requirements.

(2) County auditors are encouraged to establish partnerships with trusted community organizations as part of the community outreach plan to maximize resources.

Sec. 6. RCW 29A.40.091 and 2021 c 10 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection(+

~~(a) For all general elections in 2020 and after;~~

~~(b) For all primary elections in 2021 and after; and~~

~~(c) For all elections in 2022 and after).~~

(2) (a) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(b) By June 1, 2025, the declaration in (a) of this subsection must also clearly inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or

she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

Sec. 7. RCW 29A.40.091 and 2021 c 10 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection((-

~~(a) For all general elections in 2020 and after;~~

~~(b) For all primary elections in 2021 and after; and~~

~~(c) For all elections in 2022 and after)).~~

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; ~~((and))~~ it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

Sec. 8. RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 2011 c 10 s 41 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.

Sec. 9. RCW 29A.60.140 and 2008 c 308 s 1 are each amended to read as follows:

(1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body or, in a county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of the legislative body" means an individual who serves in any of the following positions: Chief of staff; legal counsel; clerk of the council; policy staff director; and any successor positions to these positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board. Members of the county canvassing board designated by the county auditor, county prosecuting attorney, or chair of the county legislative body shall complete training as provided in RCW 29A.04.540 and shall take an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties.

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. Meetings must be conducted at times and locations that are accessible to the public to ensure that the public is informed and able to attend or observe. The time and location of county canvassing board meetings must be published in accordance with chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW.

Sec. 10. RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) The following warning:
"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

Sec. 11. RCW 29A.08.210 and 2023 c 466 s 6 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning the

applicant's qualifications as a voter in this state:

- (1) The applicant's full name;
- (2) The applicant's date of birth;
- (3) The address of the applicant's residence for voting purposes;
- (4) The mailing address of the applicant if that address is not the same as the address in subsection (3) of this section;
- (5) The gender of the applicant;
- (6) The former address of the applicant if previously registered to vote;
- (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if the applicant does not have a Washington state driver's license or Washington state identification card;
- (8) A check box allowing the applicant to indicate membership in the armed forces, national guard, or reserves, or overseas voter status;
- (9) Clear and conspicuous language, designed to draw the applicant's attention, stating that:
 - (a) The applicant must be a United States citizen in order to register to vote; and
 - (b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;
- (10) A check box and declaration confirming that the applicant is a citizen of the United States;
- (11) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
- (12) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and
- (13) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

NEW SECTION. Sec. 12. A new section is added to chapter 29A.60 RCW to read as follows:

- (1) A work group is established to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.
- (2) The work group must be chaired by the secretary of state, or the secretary's designee, and include at a minimum the following members, appointed by the secretary of state:

- (a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;
 - (b) A representative from the University of Washington Evans school of public policy and governance;
 - (c) A representative from a nonprofit educational research organization with expertise in designing voting materials; and
 - (d) Other recognized experts and staff as deemed necessary by the work group's chair.
- (3) This section expires January 1, 2027.

NEW SECTION. Sec. 13. Section 6 of this act expires June 1, 2025.

NEW SECTION. Sec. 14. Section 7 of this act takes effect June 1, 2025.

NEW SECTION. Sec. 15. Section 10 of this act expires July 15, 2024.

NEW SECTION. Sec. 16. Section 11 of this act takes effect July 15, 2024."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 15, 2024

SSB 5931

Prime Sponsor, Environment, Energy & Technology: Addressing 6PPD in motorized vehicle tires through safer products for Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that 6PPD is a chemical commonly used in motor vehicle tires to keep them flexible and prevent them from degrading quickly. 6PPD works by moving to the surface of the tire and forming a film that protects the tire. As the film breaks down, it produces 6PPD-quinone. When it rains, tire particles containing 6PPD-quinone are washed into streams, rivers, and other water bodies through stormwater runoff.

(2) The legislature also finds that 6PPD-quinone is directly linked to urban runoff mortality syndrome, a condition where Coho salmon die prior to spawning. 6PPD-quinone is known to be toxic to aquatic species and is the primary causal toxicant for Coho salmon. In June 2023, the department of ecology identified 6PPD as a draft priority chemical under safer products for Washington, cycle 2. Additionally, 6PPD has been identified as a hazardous substance under the model toxics control act and as a chemical of concern for sensitive populations and sensitive species.

(3) The legislature finds it important to reduce sources and uses of 6PPD in Washington to protect aquatic life, particularly salmon. Since 6PPD is ubiquitous in motorized vehicle tires, the legislature intends to identify 6PPD as a priority chemical and certain motorized vehicle tires containing 6PPD as priority consumer products under safer products for Washington.

Sec. 2. RCW 70A.350.010 and 2020 c 20 s 1451 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "6PPD" means the chemical compound N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine.

(2) "Consumer product" means any item, including any component parts and packaging, sold for residential or commercial use.

~~((2))~~ (3) "Department" means the department of ecology.

~~((3))~~ (4) "Director" means the director of the department.

~~((4))~~ (5) "Electronic product" includes personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen that are used to access interactive software, and the peripherals associated with such products.

~~((5))~~ (6) "Inaccessible electronic component" means a part or component of an electronic product that is located inside and entirely enclosed within another material and is not capable of coming out of the product or being accessed during any reasonably foreseeable use or abuse of the product.

~~((6))~~ (7) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

~~((7))~~ (8) (a) "Motorized vehicle" means, for purposes of 6PPD as a priority chemical, a vehicle intended for on-highway or off-highway use.

(b) "Motorized vehicle" does not include, for purposes of 6PPD as a priority chemical, the tires equipped on the vehicle nor tires sold separately for replacement purposes.

(9) "Organohalogen" means a class of chemicals that includes any chemical containing one or more halogen elements bonded to carbon.

~~((8))~~ (10) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

~~((9))~~ (11) "Phenolic compounds" means alkylphenol ethoxylates and bisphenols.

~~((10))~~ (12) "Phthalates" means synthetic chemical esters of phthalic acid.

~~((11))~~ (13) "Polychlorinated biphenyls" or "PCBs" means chemical forms that consist of two benzene rings joined together and containing one to ten chlorine atoms attached to the benzene rings.

~~((12))~~ (14) "Priority chemical" means a chemical or chemical class used as, used in, or put in a consumer product including:

(a) Perfluoroalkyl and polyfluoroalkyl substances;

(b) Phthalates;

(c) Organohalogen flame retardants;

(d) Flame retardants, as identified by the department under chapter 70A.430 RCW;

(e) Phenolic compounds;

(f) Polychlorinated biphenyls; ~~((13))~~

(g) 6PPD that is used in motorized vehicle tires or tires sold separately for replacement purposes. Nothing in this subsection (14)(g) limits the authority of the department under (h) of this subsection; or

(h) A chemical identified by the department as a priority chemical under RCW 70A.350.020.

~~((13))~~ (15) "Safer alternative" means an alternative that is less hazardous to humans or the environment than the existing chemical or chemical process. A safer alternative to a particular chemical may include a chemical substitute or a change in materials or design that eliminates the need for a chemical alternative.

~~((14))~~ (16) "Sensitive population" means a category of people that is identified by the department that may be or is disproportionately or more severely affected by priority chemicals, such as:

(a) Men and women of childbearing age;

(b) Infants and children;

(c) Pregnant women;

(d) Communities that are highly impacted by toxic chemicals;

(e) Persons with occupational exposure;

and

(f) The elderly.

~~((15))~~ (17) "Sensitive species" means a species or grouping of animals that is identified by the department that may be or is disproportionately or more severely affected by priority chemicals, such as:

(a) Southern resident killer whales;

(b) Salmon; and

(c) Forage fish.

Sec. 3. RCW 70A.350.050 and 2022 c 264 s 2 are each amended to read as follows:

(1)(a) By June 1, 2020, and consistent with RCW 70A.350.030, the department shall identify priority consumer products that are a significant source of or use of priority chemicals specified in RCW 70A.350.010~~((12))~~ (14) (a) through (f).

(b) By June 1, 2022, and consistent with RCW 70A.350.040, the department must determine regulatory actions regarding the priority chemicals and priority consumer products identified in (a) of this subsection. The deadline of June 1, 2022, does not apply to the priority consumer products identified in RCW 70A.350.090.

(c) By June 1, 2023, the department must adopt rules to implement regulatory actions determined under (b) of this subsection.

(2)(a) By June 1, 2024, and every five years thereafter, the department shall select at least five priority chemicals specified in RCW 70A.350.010~~((12))~~ (14) (a) through ~~((9))~~ (h) that are identified consistent with RCW 70A.350.020.

(b) By June 1, 2025, and every five years thereafter, the department must identify priority consumer products that contain any new priority chemicals after notifying the appropriate committees of the legislature, consistent with RCW 70A.350.030.

(c) By June 1, 2027, and every five years thereafter, the department must determine regulatory actions for any priority chemicals in priority consumer products identified under (b) of this subsection, consistent with RCW 70A.350.040.

(d) By June 1, 2028, and every five years thereafter, the department must adopt rules to implement regulatory actions identified under (c) of this subsection.

(3)(a) The designation of priority chemicals by the department does not take effect until the adjournment of the regular legislative session immediately following the identification of chemicals, in order to allow an opportunity for the legislature to add to, limit, or otherwise amend the list of priority chemicals to be considered by the department.

(b) The designation of priority consumer products by the department does not take effect until the adjournment of the regular legislative session immediately following the identification of priority consumer products, in order to allow an opportunity for the legislature to add to, limit, or otherwise amend the list of priority consumer products to be considered by the department.

(c) The determination of regulatory actions by the department does not take effect until the adjournment of the regular legislative session immediately following the determination by the department, in order to allow an opportunity for the legislature to add to, limit, or otherwise amend the regulatory determinations by the department.

(d) Nothing in this subsection (3) limits the authority of the department to:

(i) Begin to identify priority consumer products for a priority chemical prior to the effective date of the designation of a priority chemical;

(ii) Begin to consider possible regulatory actions prior to the effective date of the designation of a priority consumer product; or

(iii) Initiate a rule-making process prior to the effective date of a determination of a regulatory action.

(4)(a) When identifying priority chemicals and priority consumer products under this chapter, the department must notify the public of the selection, including the identification of the peer-reviewed science and other sources of information that the department relied upon, the basis for the selection, and a draft schedule for making determinations. The notice must be published in the Washington State Register. The department shall provide the public with an opportunity for review and comment on the regulatory determinations.

(b)(i) By June 1, 2020, the department must create a stakeholder advisory process to provide expertise, input, and a review of the department's rationale for identifying priority chemicals and priority consumer

products and proposed regulatory determinations. The input received from a stakeholder process must be considered and addressed when adopting rules.

(ii) The stakeholder process must include, but is not limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; an expert in scientific data analysis; and public health agencies.

NEW SECTION. Sec. 4. A new section is added to chapter 70A.350 RCW to read as follows:

For the purposes of the regulatory process established in this chapter, a motorized vehicle tire containing 6PPD that is equipped on or intended to be installed as a replacement tire on a motorized vehicle for on-highway use is a priority consumer product. For these priority products, the department must determine regulatory actions and adopt rules to implement those regulatory determinations consistent with the process established in RCW 70A.350.040 and 70A.350.050. In determining regulatory actions under this section, the department must specifically consider the effect of the regulatory actions on driver and passenger safety."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Barnard; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; and Sandlin.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5936

Prime Sponsor, Health & Long Term Care: Convening a palliative care benefit work group. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Bronoske; Caldier; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 5940

Prime Sponsor, Health & Long Term Care: Creating a medical assistant-EMT certification. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Bronoske; Caldier; Davis; Harris;

Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 16, 2024

ESSB 5974 Prime Sponsor, Human Services: Concerning the disposition of unenforceable legal financial obligations other than restitution imposed by a court or an agent of the court against a juvenile prior to July 1, 2023. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self; Taylor and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Eslick, Ranking Minority Member; and Dent.

Referred to Committee on Rules for second reading

February 16, 2024

SB 5982 Prime Sponsor, Senator Cleveland: Updating the definition of "vaccine" in RCW 70.290.010 to include all federal food and drug administration-approved immunizations recommended by the centers for disease control and prevention. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Caldier; and Mosbrucker.

Referred to Committee on Rules for second reading

February 16, 2024

SSB 6025 Prime Sponsor, Business, Financial Services, Gaming & Trade; Protecting consumers from predatory loans. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Robertson, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Connors; Donaghy; Hackney; Ryu; Sandlin and Santos.

Referred to Committee on Appropriations

February 16, 2024

SSB 6047 Prime Sponsor, State Government & Elections: Concerning executive sessions under the open public meetings act in order to comply with the climate commitment act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The climate commitment act requires some publicly owned natural gas and electric utilities and other government agencies to obtain greenhouse gas allowances to cover a portion of emissions. Because the allowance auctions must be carefully regulated to guard against market interference, market participants are strictly prohibited from disclosing any information about how they plan to participate in a specific auction. Investor-owned utilities, which are governed by a private board of directors, are able to keep this information confidential. In contrast, many public agencies are overseen by governing boards that are subject to the open public meetings act, which requires that deliberations be conducted in public. This act allows the governing body of a public agency to meet in executive session to consider the information necessary to comply with the climate commitment act's protection of all information necessary to participate in the greenhouse gas allowance market.

Sec. 2. RCW 42.30.110 and 2022 c 153 s 13 and 2022 c 115 s 12 are each reenacted and amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a

meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or

implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.405 RCW;

(q) To consider greenhouse gas allowance auction bidding information that is prohibited from release or disclosure under RCW 70A.65.100(8).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.035."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 16, 2024

ESJM 8006

Prime Sponsor, Senator Hasegawa: Requesting that the federal government create a universal health care program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Caldier; Harris; and Mosbrucker.

Referred to Committee on Rules for second reading

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Education was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 6031, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Health Care & Wellness was relieved of ENGROSSED SENATE BILL NO. 5632, and the bill was referred to the Committee on Labor & Workplace Standards.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 20, 2024, the 44th Day of the 2024 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

Draft

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