

## SIXTY NINTH LEGISLATURE - REGULAR SESSION

## FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 8, 2025

The House was called to order at 11:00 a.m. by the Speaker (Representative Stearns presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Natalia Ospina and Cesar Morales. The Speaker (Representative Stearns presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Willie Frank III, the son of Billy Frank Jr. and Chair of the Wa-He-Lut Indian School.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2025-4634**, by Representatives Lekanoff, Stearns, Wylie, Timmons, Bronoske, Leavitt, Pollet, Ryu, Thomas, Mena, Rule, Zahn, Taylor, Goodman, Reeves, Cortes, Ortiz-Self, Duerr, Salahuddin, Parshley, Obras, Fosse, Doglio, Santos, Bernbaum, Nance, Thai, Barkis, Jinkins, Fey, Paul, Macri, and Dent

WHEREAS, In memory of what would have been Billy Frank Jr.'s 94th birthday, we honor a man whose steadfast beliefs and actions led to the reaffirmation of treaty rights across the land. Known as an architect of consensus solutions, he brought people together with genuine respect endeavoring to find resolution for the good of all people in order to protect and cultivate salmon and their natural surroundings; and

WHEREAS, Binding promises made by the United States acknowledged, through treaties, the rights of tribes to take fish "at all usual and accustomed stations," and "in common with the citizens of the territory" of Washington; and

WHEREAS, Frank's father, Willie, and his predecessors, lived in a time of abundance, with strong salmon runs and plentiful clams, oysters, geoducks, wild berries, and camas roots; and

WHEREAS, Born on March 9, 1931, to Willie Sr. and Angeline Frank, Frank Jr., a member of the Nisqually Tribe, was raised in the tradition of his ancestors, with stories of the land, the river, the salmon runs, and the art of preserving fish; and

WHEREAS, Frank grew up on six acres along the banks of the Nisqually River in Thurston County. Known as Frank's Landing, the property was purchased after the Nisqually people were driven from their reservation during the development of the Fort Lewis Army Base in 1917; and

WHEREAS, At the age of 14, Frank began what became a lifetime of advocacy, leadership, and statesmanship. In 1945, he protested his arrest by two game wardens, simply for fishing on the Nisqually River near his family's property. He would spend his lifetime challenging the state and nation to live up to its promises; and

WHEREAS, In 1952, at age 21, Frank fulfilled a dream to join the Marines, proudly serving in the Marine Corps for two years as an expert marksman; and

WHEREAS, Treaty rights were increasingly eroded during Frank's lifetime through commercial and recreational fishing by nontribal actors and unjust state regulations and aggressive policing of tribal fishing. This, combined with expansive growth, construction, property development, and pollution, further depleted the plentiful salmon and other natural resources that had traditionally sustained tribal people in Washington; and

WHEREAS, By the mid 1960's Frank's Landing was a focal point for the assertion of treaty rights and tribal sovereignty. Over the next decade, Washington State would raid, arrest, and campaign against the fishing rights of Pacific Northwest tribes; and

WHEREAS, Throughout the 1960s and 1970s, Frank led historic "fish-ins," demonstrations, and acts of civil resistance with other tribal and nontribal leaders, insisting on the treaty rights guaranteed more than a century before. In defending his treaty rights Frank was arrested numerous times; and

WHEREAS, Growing public awareness of the unjust infringement upon tribal treaty fishing rights in Washington ultimately resulted in the historic litigation and decision issued in *United States v. Washington*, in which the Honorable George Boldt recognized tribal treaty fishing rights as the supreme law of the land; and

WHEREAS, Following the Boldt decision, initial, blatant disregard of the decision by state and local authorities and citizens resulted in hardship and anger directed at indigenous people. Frank led with humility and vision towards a better future; and

WHEREAS, Frank remained steadfast in his vision of thriving salmon in the Nisqually River, flourishing in the Salish Sea; he energized others to share his vision and urgency. He resisted bitterness and confronted injustice with consensus-building by bringing diverse groups of people with conflicting interests together in important negotiations including the Timber, Fish, and Wildlife Agreement and the Pacific Salmon Treaty; and

WHEREAS, For more than 30 years, Frank served as Chairman of the Northwest Indian Fisheries Commission, created in 1975 to support the natural resource comanagement activities of the 20 treaty Indian tribes in western Washington; and

WHEREAS, Over his lifetime Frank was honored with countless additional awards for his decades-long fight for justice and environmental preservation, including: The Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the American Indian Distinguished Service Award, the Wallace Stegner Award, the Washington State Environmental Excellence Award, and the 2015 Washington State Medal of Merit. In 2015, President Barack Obama named Frank posthumously as a recipient of the Presidential Medal of Freedom, the nation's highest official civilian honor; and

WHEREAS, Billy Frank Jr. died May 5, 2014, at the age of 83. Willie Frank III and his wife, Peggen, continue the work of both father and grandfather. A good life growing up at Frank's Landing instilled the dignity and respect that informed the principles and guidelines of their leadership. His family once said, "being with Billy is like floating on a steady, easy river. Billy's life is turbulent, but Billy is not. He's the happiest person I know. He's completely at peace with himself"; and

WHEREAS, A statue of Billy Frank Jr. will soon be unveiled at National Statuary Hall where his likeness will represent the great state of Washington in the United States Capitol building in Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commemorate March 9th as Billy Frank Jr. Day; and

BE IT FURTHER RESOLVED, That we reflect in gratitude on Billy Frank Jr., the man who worked tirelessly and collaboratively to protect tribal treaty rights, native traditions, and the natural resources they are based upon; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the family of Billy Frank Jr.

HOUSE RESOLUTION NO. 4634 was adopted.

The Speaker (Representative Stearns presiding) called upon Representative Simmons to preside.

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

## INTRODUCTION & FIRST READING

SSB 5123 Nobles, Wilson, C., Hasegawa, Lias, Lovelett, Saldaña, Slatter, Stanford and Valdez by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wilson, C., Hasegawa, Lias, Lovelett, Saldaña, Slatter, Stanford and Valdez)

AN ACT Relating to expanding protections for certain students to promote inclusivity in public schools; amending RCW 28A.642.010; adding a new section to chapter 28A.642 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 5192 Nobles, Wellman, Chapman, Cortes, Dhingra, Hasegawa, Krishnadasan, Pedersen, Slatter, Stanford, Trudeau and Wilson, C. by Senate Committee on Ways & Means (originally sponsored by Nobles, Wellman, Chapman, Cortes, Dhingra, Hasegawa, Krishnadasan, Pedersen, Slatter, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to school district materials, supplies, and operating costs; and reenacting and amending RCW 28A.150.260.

Referred to Committee on Appropriations.

SSB 5193 Cortes, Chapman, Krishnadasan, Lias, Nobles, Salomon, Shewmake and Wilson, C. by Senate Committee on Early Learning & K-12 Education (originally sponsored by Cortes, Chapman, Krishnadasan, Lias, Nobles, Salomon, Shewmake and Wilson, C.)

AN ACT Relating to supporting remote testing options for students enrolled in online school programs; adding a new section to chapter 28A.250 RCW; and creating a new section.

Referred to Committee on Education.

ESB 5235 by Senators Wellman, Harris, Nobles, Saldaña and Wilson, C.

AN ACT Relating to repealing and reorganizing outdated statutes concerning public schools; amending RCW 28A.175.145 and 28A.235.120; adding a new section to chapter 28A.235 RCW; recodifying RCW 28A.623.030; and repealing RCW 28A.335.300, 28A.415.315, 28A.415.330, 28A.415.380, 28A.600.045, 28A.605.040, 28A.623.005, 28A.623.010, 28A.623.020, 28A.625.100, 28A.625.110, 28A.625.150, 28A.630.198, 28A.630.810, 28A.655.071, 28A.655.130, and 28A.655.280.

Referred to Committee on Education.

SSB 5253 Cortes, Chapman, Conway, Frame, Krishnadasan, Lias, Nobles, Shewmake, Trudeau, Valdez and Wilson, C. by Senate Committee on Early Learning & K-12 Education (originally sponsored by Cortes, Chapman, Conway, Frame, Krishnadasan, Lias, Nobles, Shewmake, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to extending special education services to students with disabilities until the end of the school year in which the student turns 22; amending RCW 28A.155.020, 28A.150.220, 28A.155.170, 28A.155.220, 28A.190.030, 28A.225.160, 28A.225.230, 28A.225.240, 72.40.040, and 72.40.060; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SSB 5292 Conway, Saldaña, Cortes, Nobles, Salomon and Wilson, C. by Senate Committee on Labor & Commerce (originally

sponsored by Conway, Saldaña, Cortes, Nobles, Salomon and Wilson, C.)

AN ACT Relating to paid family and medical leave rates; amending RCW 50A.10.030 and 50A.05.050; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5298 Frame, Bateman, Conway, Hasegawa, Nobles, Stanford, Trudeau, Valdez and Wilson, C. by Senate Committee on Housing (originally sponsored by Frame, Bateman, Conway, Hasegawa, Nobles, Stanford, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to the notice of sale or lease of manufactured/mobile home communities; amending RCW 59.20.325 and 59.20.335; and repealing RCW 59.20.300.

Referred to Committee on Housing.

2SSB 5358 Braun, Chapman, Christian, Cortes, Lias, MacEwen, Nobles, Salomon, Wellman and Wilson, C. by Senate Committee on Ways & Means (originally sponsored by Braun, Chapman, Christian, Cortes, Lias, MacEwen, Nobles, Salomon, Wellman and Wilson, C.)

AN ACT Relating to career and technical education in sixth grade; amending RCW 28A.150.265; and adding a new section to chapter 28A.700 RCW.

Referred to Committee on Appropriations.

SSB 5388 Dhingra, Nobles, Saldaña, Trudeau and Wilson, C. by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nobles, Saldaña, Trudeau and Wilson, C.)

AN ACT Relating to department of corrections behavioral health certification; amending RCW 9.94A.662; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Community Safety.

SB 5420 by Senators Lovick, Wagoner, Chapman, Dozier and Nobles

AN ACT Relating to ensuring access to state benefits and opportunities for veterans, uniformed service members, and military spouses; amending RCW 38.04.010, 38.42.010, 41.18.150, 41.20.050, 41.40.170, 43.24.130, 41.04.010, 41.44.120, 73.16.031, 73.16.010, 73.16.051, and 73.16.110; reenacting and amending RCW 41.44.030; and creating a new section.

Referred to Committee on Technology, Economic Development, & Veterans.

ESSB 5509 Alvarado, Salomon, Bateman, Conway, Nobles, Saldaña, Trudeau, Valdez and Wilson, C. by Senate Committee on Local Government (originally sponsored by Alvarado, Salomon, Bateman, Conway, Nobles, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to the siting of child care centers; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

SB 5542 by Senators Boehnke, Slatter, Hasegawa, Nobles, Ramos and Valdez

AN ACT Relating to tuition waivers for high school completers at community and technical colleges; and amending RCW 28B.15.520.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5570 Kauffman, Wellman, Hasegawa, Nobles, Riccelli, Stanford, Valdez and Wilson, C.by Senate Committee on Ways & Means (originally sponsored by Kauffman, Wellman, Hasegawa, Nobles, Riccelli, Stanford, Valdez and Wilson, C.)

AN ACT Relating to supporting public school instruction in tribal sovereignty and federally recognized Indian tribes; amending RCW 28A.300.105 and 28A.320.170; adding a new section to chapter 28A.305 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Education.

ESSB 5627 Ramos, Harris, Wellman, Shewmake, Wilson, J., Hasegawa and Noblesby Senate Committee on Environment, Energy & Technology (originally sponsored by Ramos, Harris, Wellman, Shewmake, Wilson, J., Hasegawa and Nobles)

AN ACT Relating to improving safe excavation practices and preventing damage to underground utilities; amending RCW 19.122.010, 19.122.020, 19.122.027, 19.122.030, 19.122.031, 19.122.040, 19.122.050, 19.122.055, 19.122.090, 19.122.100, 19.122.130, and 19.122.150; and prescribing penalties.

Referred to Committee on Environment & Energy.

ESSB 5629 Harris, Chapman, Dozier, Frame, Hasegawa, Liias, Slatter, Trudeau and Valdezby Senate Committee on Health & Long-Term Care (originally sponsored by Harris, Chapman, Dozier, Frame, Hasegawa, Liias, Slatter, Trudeau and Valdez)

AN ACT Relating to coverage requirements for prosthetic limbs and custom orthotic braces; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SB 5653 by Senators Chapman, Hasegawa, MacEwen and Nobles

AN ACT Relating to collective bargaining by fish and wildlife officers; and amending RCW 41.56.030.

Referred to Committee on Labor & Workplace Standards.

ESB 5729 by Senators Gildon, Dozier and Fortunato

AN ACT Relating to encouraging construction of affordable housing by streamlining the permitting process; amending RCW 36.70B.070, 36.70B.050, 36.70B.140, and 18.43.035; and creating a new section.

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### MOTIONS

On motion of Representative Ramel, Representative Hackney was excused.

On motion of Representative Couture, Representative Eslick was excused.

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

### SECOND READING

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1163 on second reading.

With the consent of the House, amendments (285) and (283) were withdrawn.

Representative Walsh moved the adoption of amendment (274):

On page 9, line 24, after "defense;" strike "~~((and))~~" and insert "and"

On page 9, beginning on line 26, after "resolution" strike all material through "~~firearms~~" on line 29

Representatives Walsh and Penner spoke in favor of the adoption of the amendment.

Representative Doglio spoke against the adoption of the amendment.

Amendment (274) was not adopted.

Representative Couture moved the adoption of amendment (286):

On page 10, beginning on line 1, after "(3)" strike all material through "(4)" on line 5 and insert "~~((The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm. (4))~~)"

Representative Couture spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (286) was not adopted.

Representative Mendoza moved the adoption of amendment (282):

On page 25, beginning on line 3, strike all of section 12

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

Representative Mendoza spoke in favor of the adoption of the amendment.

Representative Thomas spoke against the adoption of the amendment.

Amendment (282) was not adopted.

Representative Marshall moved the adoption of amendment (280):

On page 27, beginning on line 4, strike all of section 14 and 15

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

Representative Marshall spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (280) was not adopted.

Representative Walsh moved the adoption of amendment (273):

On page 35, beginning on line 11, strike all of section 17

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

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Paul spoke against the adoption of the amendment.

Amendment (273) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berry and Farivar spoke in favor of the passage of the bill.

Representatives Abell, Keaton, Jacobsen and Walsh spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1163.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1163, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1947, by Representatives Engell, Springer, Ley, Schmick, Abell and Couture**

**Reducing satellite management agency requirements for simple group B public water systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Engell and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of House Bill No. 1947.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1947, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Eslick and Hackney

HOUSE BILL NO. 1947, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1971, by Representatives Macri, Doglio, Parshley, Berry, Ramel, Ormsby, Pollet, Scott and Hill**

**Increasing access to prescription hormone therapy.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1971 was substituted for House Bill No. 1971 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1971 was read the second time.

Representative Couture moved the adoption of amendment (229):

On page 1, line 9, after "(1)" strike "A" and insert "(a) Except as provided in (b) of this subsection, a"

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

"(b) Nothing in (a) of this subsection applies to an enrollee under 18 years of age, unless an enrollee's parent or guardian has consented to the provisions of this section."

Representatives Couture and Jacobsen spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (229) was not adopted.

Representative Marshall moved the adoption of amendment (490):

On page 1, line 9, after "(1)" strike "A" and insert "(a) Except as provided in (b) of this subsection, a"

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

"(b) Nothing in (a) of this subsection applies to refills of prescription hormone therapy for an enrollee under 18 years of age unless the enrollee has a hormone deficiency proven through laboratory testing that is consistent with the enrollee's biological genotype and age that requires a hormone intervention according to the American medical association or the American association of clinical endocrinology, such as treatment for precocious puberty, testicular feminization, or other genetic hormone abnormalities."

Representatives Marshall and Jacobsen spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (490) was not adopted.

Representative Macri moved the adoption of amendment (232):

On page 1, line 15, after "substance." insert "The 12-month refill requirement only applies to prescription hormone therapy that is able to be safely stored at room temperature without refrigeration."

Representatives Macri and Schmick spoke in favor of the adoption of the amendment.

Amendment (232) was adopted.

Representative Marshall moved the adoption of amendment (227):

On page 2, beginning on line 20, after "levels" strike all material through "include" on line 21 and insert ", including"

On page 2, after line 33, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall require that any prescription hormone therapy covered by medical assistance programs established under this chapter provide reimbursement for a 12-month refill of covered prescription hormone therapy obtained at one time by the enrollee, unless the enrollee requests a smaller supply, the prescribing provider instructs that the enrollee must receive a smaller supply, or the prescription hormone therapy is a controlled substance. If the prescription hormone therapy is a controlled substance, the authority must require reimbursement for the maximum refill allowed under state and federal law to be obtained at one time by the enrollee. Any dispensing practices required by the authority must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing

access to effective prescription hormone therapy.

(2) Nothing in this section prohibits a prescribing provider from temporarily limiting refills that may be obtained to a 90-day supply at one time if the prescription hormone therapy is experiencing an acute dispensing shortage provided limits must be rescinded at first opportunity of a regularly reinstated, sustainable supply.

(3) For purposes of this section, "prescription hormone therapy" means all drugs approved by the United States food and drug administration that are used to medically suppress, increase, or replace hormones that the body is not producing at intended levels, including glucagon-like peptide-1 and glucagon-like peptide-1 receptor agonists."

With the consent of the House, Representative Marshall withdrew amendment (227).

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representatives Schmick, Jacobsen, Caldier, McEntire, Marshall and Jacobsen (again) spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1971.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1971, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1971, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1814, by Representatives Fitzgibbon, Duerr, Berry, Parshley, Ramel and Macri**

**Streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act.**

The bill was read the second time.

With the consent of the House, amendments (337), (333), (252), (104), (234) and (319) were withdrawn.

Representative Klicker moved the adoption of amendment (105):

On page 1, line 18, after "(2)" insert "In addition to any other notice required by state or local law or regulation, a project exempted from compliance with this chapter under this section must post notice of the proposed trail, path, or extension on the property that will be used for the trail, path, or extension for at least 30-days prior to the action that will give final approval to the trail, path, or extension. This notice must be posted at both ends and in the middle of the proposed trail, path, or extension.

(3) "

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

Representatives Klicker, Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

Amendment (105) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Dufault spoke in favor of the passage of the bill.

Representatives Klicker, Jacobsen and Dye spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1814.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1814, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2

Voting Yea: Representatives Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Caldier, Callan, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dufault, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Marshall, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Burnett, Chase, Dent, Dye, Engell, Graham, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, McClintock, McEntire, Mendoza, Orcutt, Pollet, Rude, Schmick, Steele, Stokesbary, Volz, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

ENGROSSED HOUSE BILL NO. 1814, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1515, by Representatives Reed, Walen, Berry, Cortes, Peterson, Richards, Ryu, Macri, Hill and Scott**

**Modernizing the regulation of alcohol service in public spaces.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1515 was substituted for House Bill No. 1515 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1515 was read the second time.

Representative McClintock moved the adoption of amendment (342):

On page 2, line 13, after "authorize" strike "certain"

On page 2, line 18, after "authority" strike "that is a designated fan zone or host city"

On page 6, beginning on line 16, after "authority" strike all material through "entity," on line 19

Representatives McClintock, Manjarrez and Dufault spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (342) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reed, McClintock and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1515.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1515, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2

Voting Yea: Representatives Abell, Barkis, Barnard, Berg, Bernbaum, Berry, Bronoske, Burnett, Caldier, Chase, Connors, Cortes, Couture, Doglio, Donaghy, Duerr, Dufault, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Bergquist, Callan, Corry, Davis, Dent, Dye, Leavitt, McEntire, Ormsby, Volz, Walsh and Waters

Excused: Representatives Eslick and Hackney

SECOND SUBSTITUTE HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1587, by Representatives Bergquist, Rude, Reed, Pollet, Reeves, Zahn, Timmons, Doglio, Salahuddin and Nance**

**Encouraging local government partner promise scholarship programs within the opportunity scholarship program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1587 was substituted for House Bill No. 1587 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1587 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bergquist spoke in favor of the passage of the bill.

Representatives Ybarra and Keaton spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1587.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1587, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

SECOND SUBSTITUTE HOUSE BILL NO. 1587, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1722, by Representatives Connors, Schmidt, Dufault and Barnard**

**Reviewing state restrictions affecting students participating in secondary career and technical education programs and other state-approved career pathways.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Connors, Paul and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of House Bill No. 1722.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1722, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent,

Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Eslick and Hackney

HOUSE BILL NO. 1722, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Simmons presiding) called upon Representative Shavers to preside.

### SECOND READING

**HOUSE BILL NO. 1622, by Representatives Parshley, Doglio, Fosse, Ramel, Ortiz-Self, Bergquist, Couture, Timmons, Obras, Reed, Bronoske, Bernbaum, Low, Nance, Schmidt, Simmons, Cortes, Stonier, Farivar, Scott, Peterson, Macri, Paul, Mena, Tharinger, Stearns, Berry, Donaghy, Gregerson, Taylor, Goodman, Hill, Kloba, Fitzgibbon, Salahuddin, Caldier, Thai, Fey, Davis, Shavers, Santos, Hunt, Griffey, Richards, Duerr, Zahn and Thomas**

**Allowing bargaining over matters related to the use of artificial intelligence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1622 was substituted for House Bill No. 1622 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1622 was read the second time.

With the consent of the House, amendments (265) and (586) were withdrawn.

Representative Parshley moved the adoption of amendment (519):

On page 7, beginning on line 21, after "wages" strike all material through "41.80.005" on line 24 and insert "or performance evaluations. An employer is not required to bargain over the implementation or modification of artificial intelligence technology if the implementation or modification is part of an update made by a third party to technology already in use by employees and does not meaningfully impact employee's wages or performance evaluations."

(2) For the purposes of this section:

(i) "Artificial intelligence" has the same meaning as defined in RCW 41.80.005;

(ii) "Third party" means an individual or entity that provides services such as technology services, digital services, equipment, or software, but does not have an employment or a coemployment relationship with the employer"

On page 7, at the beginning of line 27, insert "(1) "

On page 7, line 30, after "wages" strike all material through "employment" and insert "or performance evaluations. An employer is not required to bargain over the

implementation or modification of artificial intelligence technology if the implementation or modification is part of an update made by a third party to technology already in use by employees and does not meaningfully impact employee's wages or performance evaluations.

(2) For the purposes of this section, "third party" means an individual or entity that provides services such as technology services, digital services, equipment, or software, but does not have an employment or a coemployment relationship with the employer"

Representatives Parshley and Schmidt spoke in favor of the adoption of the amendment.

Amendment (519) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parshley and Doglio spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1622.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Caldier, Callan, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hill, Hunt, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Richards, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Stearns, Stonier, Street, Stuebe, Taylor, Thai, Thomas, Timmons, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Chase, Connors, Corry, Dent, Dufault, Dye, Engell, Graham, Jacobsen, Keaton, Klicker, Ley, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Reeves, Rude, Rule, Schmick, Schmidt, Springer, Steele, Stokesbary, Tharinger, Volz, Walen, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1622.

Representative Rude, 16th District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1622.

Representative Klicker, 16th District

#### SECOND READING

#### HOUSE BILL NO. 1718, by Representatives Thai, Shavers, Parshley, Zahn and Scott

Concerning well-being programs for certain health care professionals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1718 was substituted for House Bill No. 1718 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1718 was read the second time.

With the consent of the House, amendment (122) was withdrawn.

Representative Thai moved the adoption of amendment (254):

On page 2, at the beginning of line 26, strike "RCW," and insert "RCW, physicians licensed under chapter 18.71B RCW,"

On page 2, line 26, after "under" strike "chapter 18.71A" and insert "chapters 18.71A and 18.71C"

On page 2, line 36, after "evaluation" insert "of specific care or harm of specific patients"

On page 2, line 37, after "malpractice" insert "or misconduct of specific providers"

On page 5, line 13, after "18.130.175" insert ". Any report made to the disciplining authority under this section is not privileged or confidential and is subject to the public records act"

On page 6, line 29, after "commission." insert "Any report made to the disciplining authority under this section is not privileged or confidential and is subject to the public records act."

Representatives Thai and Schmick spoke in favor of the adoption of the amendment.

Amendment (254) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1718.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1718, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar,



Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Eslick and Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1718, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1113, by Representatives Farivar, Goodman, Simmons, Taylor, Macri, Scott, Fosse, Street, Reed, Senn, Berry, Alvarado, Morgan, Mena, Peterson, Stonier, Walen, Pollet, Wylie, Cortes, Obras, Gregerson, Ormsby, Bergquist, Salahuddin and Hill**

**Concerning accountability and access to services for individuals charged with a misdemeanor.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1113 was read the second time.

With the consent of the House, amendments (209), (210) and (213) were withdrawn.

Representative Abell moved the adoption of amendment (223):

On page 1, line 9, after "party" insert "and with the consent of the prosecuting attorney"

Representatives Abell, Walsh and Graham spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 39 - YEAS; 47 - NAYS.

Amendment (223) was not adopted.

Representative Farivar moved the adoption of amendment (305):

On page 1, beginning on line 12, strike all of subsection (a) and insert the following:

"(a)(i) The court may continue a case pursuant to a defendant's agreement to waive speedy trial in anticipation of dismissal following court-ordered conditions for a period not to exceed 12 months and order the defendant to comply with terms, conditions, or programs that are connected to the underlying charge and reasonably related to supporting the defendant's rehabilitation.

(ii) In determining which terms, conditions, or programs are appropriate to order, the court shall consider the defendant's specific circumstances affecting the underlying charge, including but not

limited to whether the underlying charge is the result of or caused by a behavioral health disorder as defined in RCW 71.05.020, lack of access to stable housing or employment, or a combination of such factors, and whether the defendant has previously been identified as needing competency restoration treatment.

(iii) The court shall consider ordering the defendant to participate in a recovery navigator program established under RCW 71.24.115, arrest and jail alternative program established under RCW 36.28A.450, law enforcement assisted diversion program established under RCW 71.24.589, Trueblood high utilizer program, or local diversion program, or a combination of such programs, to the extent such programs are available in the jurisdiction and are appropriate for the defendant's specific circumstances.

(iv) The court shall hear from both parties and rule on the motion in open court."

Representative Abbarno moved the adoption of amendment (341) to amendment (305):

On page 1, line 5 of the amendment, after "period" strike "not to exceed 12 months" and insert "of no less than six months, up to a maximum of 12 months,"

Representatives Abbarno and Farivar spoke in favor of the adoption of the amendment to the amendment.

Amendment (341) to amendment (305) was adopted.

Representative Farivar spoke in favor of the adoption of the amendment as amended.

Amendment (305), as amended, was adopted.

Representative Schmick moved the adoption of amendment (251):

On page 2, line 3, after "period." insert "The court must make written findings that provide an explanation for its decision to grant the dismissal."

Representatives Corry, Goodman and Graham spoke in favor of the adoption of the amendment.

Amendment (251) was adopted.

Representative Caldier moved the adoption of amendment (207):

On page 2, after line 9, insert the following:

"(iii) The court shall order the defendant to not commit any new criminal law violations for the entire continuance period as a condition for the dismissal of charges.

(iv) The mandatory conditions described under (b)(ii) and (iii) of this subsection must not be the only conditions ordered by the court."

Representatives Caldier and Goodman spoke in favor of the adoption of the amendment.

Amendment (207) was adopted.

Representative Griffey moved the adoption of amendment (208):

On page 2, after line 9, insert the following:

"(iii) Prior to dismissing the charges pending against the defendant, the court shall provide an opportunity for victims and survivors of victims to present a statement personally or by representation."

Representatives Griffey, Farivar and Graham spoke in favor of the adoption of the amendment.

Amendment (208) was adopted.

Representative Abell moved the adoption of amendment (212):

On page 2, line 25, after "defendant" strike "is willfully failing to substantially" and insert "has failed to"

Representatives Abell and Farivar spoke in favor of the adoption of the amendment.

Amendment (212) was adopted.

Representative Abbarno moved the adoption of amendment (205):

On page 2, line 1, after "defendant has" strike "substantially"

On page 2, at the beginning of line 9, strike "substantially"

On page 2, line 11, after "is not" strike "substantially"

On page 2, at the beginning of line 16, strike "substantially"

On page 2, line 25, after "failing to" strike "substantially"

On page 2, line 27, after "time for" strike "substantial"

On page 5, line 38, after "following" strike "substantial"

Representatives Abbarno, Graham, Caldier, Couture and Caldier (again) spoke in favor of the adoption of the amendment.

Representatives Farivar and Goodman spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 39 - YEAS; 43 - NAYS.

Amendment (205) was not adopted.

Representative Walsh moved the adoption of amendment (206):

On page 2, beginning on line 5, after "charges." strike all material through "conditions." on line 9

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Scott spoke against the adoption of the amendment.

Amendment (206) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Farivar and Goodman spoke in favor of the passage of the bill.

Representatives Graham, Griffey and Walsh spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1113.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1113, and the bill passed the House by the following vote: Yeas, 50; Nays, 46; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Bronoske, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Paul, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walen, Walsh, Waters and Ybarra

Excused: Representatives Eslick and Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1755, by Representatives Street, Macri, Schmick, Parshley, Thai, Salahuddin, Ormsby, Stonier and Reed**

**Exempting elective percutaneous coronary intervention performed in certain hospitals owned or operated by a state entity from certificate of need requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Street and Marshall spoke in favor of the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of House Bill No. 1755.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1755, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier,

Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Eslick and Hackney

HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1327, by Representatives Schmick and Stearns**

**Concerning horse racing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Stearns spoke in favor of the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of House Bill No. 1327.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1327, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives Berg, Fitzgibbon, Leavitt, Ormsby and Thai

Excused: Representatives Eslick and Hackney

HOUSE BILL NO. 1327, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1589, by Representatives Bronoske, Macri, Shavers, Pollet and Reed**

**Concerning the relationships between health carriers and contracting providers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1589 was substituted for House Bill No. 1589 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1589 was read the second time.

Representative Bronoske moved the adoption of the striking amendment (238):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Prior to entering into or renewing a contract with a health care provider or a group of health care providers, a health carrier shall offer the provider a meaningful opportunity to participate in good faith negotiations regarding the terms of the contract. Only the following conduct violates this subsection:

(i) Failure to furnish the provider with the name and contact information of a person the carrier has designated as the primary contact for contract negotiations;

(ii) When a contract is being renewed, failure to furnish the provider with a copy of the new contract with all changes indicated with strikeouts for deletions and underlining for new material along with a clean copy of the revised contract that incorporates amendments into the body of the contract and into any relevant exhibit or addendum;

(iii) Providing a standalone amendatory exhibit or addendum that requires the provider to conduct the provider's own analysis to produce a revised contract or agreement integrating amendments into the body of the contract or its relevant exhibits or addenda;

(iv) Except as provided in subsection (9) of this section, requiring a group of providers with the same employer or the same federal tax identification number to negotiate contracts individually, if the group of providers prefer to negotiate as a group; or

(v) Failure to furnish the provider with a fee schedule no less than 60 days in advance of the execution of the contract in a manner that does not require access to a secure website or other portal, such as by emailing an electronic copy to the provider.

(b) A health carrier's provider contract filings must include an attestation signed by both the health carrier and the provider that the requirements of (a) of this subsection were met. A contract filing is incomplete without the attestation required under this subsection and may not be approved by the commissioner. The commissioner shall, by rule, develop a standard form for the attestation required under this subsection.

(c) If a provider elects to terminate a contract in place on the effective date of this section, the health carrier must provide the provider with the opportunity to renegotiate the contract consistent with the provisions of this subsection.

(d) The commissioner may submit to the legislature recommended changes to this section to address additional conduct that the commissioner deems inconsistent with the good faith negotiations required under this subsection.

(2)(a) Provider contracts entered into or renewed on or after the effective date of this section may not include:

- (i) An all-or-nothing clause; or
- (ii) A requirement that the provider accept a discounted rate for services provided to enrollees under any other health plan or insurance product.

(b) Provisions in contracts in place on the effective date of this section that violate the requirements in (a) of this subsection are against the public policy of the state of Washington and are unenforceable.

(3) A health carrier shall provide contract and payment policy updates in a manner that does not require access to a secure website or other portal, such as by emailing an electronic copy to the provider.

(4) A health carrier may not penalize a provider who appeals an adverse benefit determination by the health carrier in any way, including by charging a fee for the appeal or any external review of the appeal.

(5) This section applies to a health care benefit manager acting on behalf of the carrier.

(6) If the commissioner finds that a health carrier or a health care benefit manager has violated this section, the commissioner may, in addition to the commissioner's authority under RCW 48.02.080 and 48.200.050:

(a) Impose a fine on the health carrier or health care benefit manager of up to \$5,000 per violation;

(b) Issue an order requiring corrective action against the health carrier, the health care benefit manager, or both the health carrier and the health care benefit manager; or

(c) Both impose a fine and issue an order under (a) and (b) of this subsection.

(7) For purposes of this section:

(a) "Affiliate of a health carrier" means any provider related to a health carrier or hospital in any way by virtue of any form or amount of common control, operation, or management.

(b) "All-or-nothing clause" means a provision in a provider contract that requires a provider to contract with multiple health plans or other insurance products offered by, or associated with, the health carrier.

(c) "Health care benefit manager" has the same meaning as provided in RCW 48.200.020.

(d) In addition to the definition in RCW 48.43.005, "health carrier" also includes a limited health care service contractor offering dental only coverage and a health carrier offering dental only coverage.

(8) Any trade secrets or other confidential information disclosed to the commissioner under this section are confidential and exempt from public disclosure under chapter 42.56 RCW.

(9) This section does not apply to negotiations between a health carrier and a provider who is:

- (a) An employee of the health carrier;
- (b) An employee of an affiliate of the health carrier;
- (c) Employed by a hospital or any affiliate of a hospital or health system; or

(d) Employed by an entity that owns or operates multistate provider clinics.

(10) Nothing in this section prohibits a health carrier from negotiating contracts with groups of providers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Using data from the statewide all-payer health care claims database established under chapter 43.371 RCW, the commissioner shall analyze trends in allowed amounts for a representative sample of the most commonly billed current procedural terminology codes for a representative sample of the health professions impacted by this act.

(2) The commissioner shall report the aggregate results of this analysis to the health care committees of the legislature on January 1st of each year, beginning January 1, 2027. The report must include an analysis of allowed amounts compared to data in previous years' reports submitted under this section.

(3) This section expires January 31, 2031.

**NEW SECTION. Sec. 3.** The insurance commissioner may adopt any rules necessary to implement this act consistent with RCW 48.02.060.

**NEW SECTION. Sec. 4.** Section 1 of this act takes effect January 1, 2027.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Bronoske and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (238) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bronoske, Caldier, Marshall and Engell spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1589.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1589, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2

Voting Yea: Representatives Berg, Bergquist, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Cortes, Couture, Davis,

Doglio, Donaghy, Duerr, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Keaton, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Marshall, McEntire, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmidt, Scott, Shavers, Simmons, Stearns, Steele, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Bernbaum, Connors, Corry, Dent, Dufault, Dye, Jacobsen, Klicker, Manjarrez, McClintock, Mendoza, Orcutt, Schmick, Springer, Stokesbary, Volz, Walen, Walsh and Waters

Excused: Representatives Eslick and Hackney

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1589, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1969, by Representatives Burnett, Low, Griffey, Graham, Dent, Ley, Volz, Schmidt, Berg, Schmick, Leavitt, Klicker, Keaton, Eslick and Barkis**

**Concerning the law enforcement aviation support grant program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1969 was substituted for House Bill No. 1969 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1969 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Burnett and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1969.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1969, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Eslick and Hackney

SUBSTITUTE HOUSE BILL NO. 1969, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Steele congratulated Representative Burnett on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

The Speaker assumed the chair.

The Speaker addressed the Chamber and asked for a moment of silence for Representative Dent, his family and his son.

The Speaker called upon Representative Simmons to preside.

### SECOND READING

**HOUSE BILL NO. 1531, by Representatives Bronoske, Berry, Ramel, Reed, Duerr, Kloba, Macri, Parshley, Peterson, Ormsby, Pollet, Scott, Doglio, Hill and Simmons**

**Preserving the ability of public officials to address communicable diseases.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1531 was substituted for House Bill No. 1531 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1531 was read the second time.

With the consent of the House, amendments (503), (509), (507), (511), (513), (505), (515), (498), (497), (493), (500), (502), (506), (508), (510), (512), (514), (494) and (504) were withdrawn.

Representative Bronoske moved the adoption of amendment (310):

On page 1, after line 5, insert the following:

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

(a) Communicable diseases remain a real threat to our communities and many are increasing in prevalence and severity. There are over 100 notifiable conditions that are required to be reported to local and state public health, the vast majority of which are communicable diseases.

(b) The H1N1 virus, or avian flu, remains a nationwide threat with 14 Washingtonians contracting this illness due to exposure to infected poultry in 2024. Tuberculosis remains prevalent despite the availability of effective treatment, with several local health jurisdictions experiencing their first active cases of tuberculosis in over a decade. Sexually transmitted infection rates are also increasing, particularly syphilis and gonorrhea, both of which can have serious health impacts if left untreated. For example, untreated syphilis during pregnancy can result in congenital syphilis that increases rates of stillbirth, disability, and death in infants.

(c) To address these challenges, the ability for state and local health officials to educate the public about evidence-based measures that use the best available science is critical to control the spread of communicable diseases.

(2) Therefore, the legislature intends to ensure that the public receives timely, well-researched, evidence-based, and science-driven information to make informed choices so that they can take personal control of their health and the health of their families.

(3) The legislature does not intend by this enactment to modify, limit, or expand

any existing requirement or establish any new requirement for any individual to receive any vaccine or take any other similar measure to control the spread of communicable disease, nor does the legislature intend by this enactment to modify, limit, or expand any existing authority or grant any new authority to establish any such requirement."

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

Representatives Bronoske and Schmick spoke in favor of the adoption of the amendment.

Amendment (310) was adopted.

Representative Stuebe moved the adoption of amendment (499):

On page 1, beginning on line 9, after "available" strike all material through "vaccines" on line 11 and insert "clinical data on options for treatment, including drug repurposing, supplements, and new and emerging treatments that may enhance the immune system"

On page 1, beginning on line 13, after "officials" strike all material through "measures" on line 14 and insert "may advocate for such treatment options and disclose the risks and benefits as they are known"

On page 1, beginning on line 15, after "diseases" strike ", including immunizations and vaccines" and insert ". Any novel emerging treatment that has not passed rigorous food and drug administration guidelines may be offered by those who want to participate in ground-breaking science, with close attention to any side effects that may occur"

On page 1, beginning on line 17, beginning with "may" strike all material through "void" on line 20 and insert "must adhere to and disclose the clinical data that are collected and may make guideline changes according to the success or failure of new drugs"

On page 2, beginning on line 1, strike all of section 2

Representatives Stuebe, Stuebe (again), Abbarno, Dufault, Walsh, Caldier, Keaton and Marshall spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

### MOTION

On motion of Representative Griffey, Representatives Dent, Volz, Corry and Abell were excused.

Representatives Penner, Ley, Graham, Orcutt, Chase and Burnett spoke in favor of the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Simmons presiding) divided the House. The result was 35 - YEAS; 55 - NAYS.

Amendment (499) was not adopted.

Representative Manjarrez moved the adoption of amendment (492):

On page 1, after line 20, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 70.54 RCW to read as follows:

(1) No state or local government entity may issue a statute, ordinance, rule, order, or policy requiring any individual to receive any immunization or vaccine for any reason, including as a condition for receiving essential services, professional licensure, or employment.

(2) Any contrary statute, rule, order, or policy in place prior to the effective date of this section is hereby declared null and void."

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

Representatives Manjarrez, Caldier, Griffey, Dufault, Marshall, Penner, Walsh, Jacobsen, Jacobsen (again), Couture and Manjarrez (again) spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Simmons presiding) divided the House. The result was 35 - YEAS; 51 - NAYS.

Amendment (492) was not adopted.

Representative Abbarno moved the adoption of amendment (501):

On page 1, after line 20, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 70.54 RCW to read as follows:

(1) Any state or local statute, ordinance, rule, or order requiring an individual to receive any immunization or vaccine must include an exception for an individual who submits a written declaration of medical, philosophical, or religious exemption.

(2) A parent of a minor may submit a declaration of medical, philosophical, or religious exemption on behalf of the minor."

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

Representatives Abbarno, Dufault, Walsh, Graham, Marshall, Caldier, Penner and Couture spoke in favor of the adoption of the amendment.

Representatives Stonier, Reeves and Donaghy spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (501) and the amendment was not adopted by the following vote: Yeas, 38; Nays, 55; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Richards, Rude, Rule, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Timmons, Walsh, Waters and Ybarra

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Abell, Dent, Eslick, Hackney and Volz

Amendment (501) was not adopted.

Representative Engell moved the adoption of amendment (496):

On page 1, line 14, after "resources," strike "implement and"

Representatives Engell, Marshall, Walsh, Dufault and Penner spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (496) was not adopted.

Representative Caldier moved the adoption of amendment (495):

On page 2, beginning on line 1, strike all of section 2

Representatives Caldier, Rude, McEntire, Marshall, Dufault, Walsh and Couture spoke in favor of the adoption of the amendment.

Representative Parshley spoke against the adoption of the amendment.

Amendment (495) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bronoske spoke in favor of the passage of the bill.

Representatives Schmick, Dufault, Marshall, Dye and Couture spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1531.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1531, and the bill passed the House by the following vote: Yeas, 58; Nays, 35; Absent, 0; Excused, 5

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Walsh, Waters and Ybarra

Excused: Representatives Abell, Dent, Eslick, Hackney and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Simmons presiding) called upon Representative Shavers to preside.

**SECOND READING**

**HOUSE BILL NO. 1620, by Representatives Taylor, Goodman, Reed and Hill**

**Concerning limitations in parenting plans.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1620 was substituted for House Bill No. 1620 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1620 was read the second time.

With consent of the House, amendments (146), (151), (241), (242), (243), (244), (246), (325), (327), (136), (326), (245), (323) and (324) were withdrawn.

Representative Jacobsen moved the adoption of amendment (170):

On page 12, after line 15, insert the following:

"(c) LIMITATIONS BASED ON CERTAIN DRUG CONVICTIONS. There is a rebuttable presumption that a parent who has been convicted as an adult of a violation of chapter 69.50 RCW involving a schedule I or schedule II narcotic drug poses a present danger to the child. Unless the parent rebuts this presumption, the court shall restrain the parent from all contact with the parent's child that would otherwise be allowed under this chapter."

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

With the consent of the House, Representative Jacobsen withdrew amendment (170).

Representative Rule moved the adoption of the striking amendment (233):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.191 and 2021 c 215 s 134 are each amended to read as follows:

(1) ~~((The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action))~~ PURPOSE. Understanding the effects of domestic violence and child abuse on all members of a family is crucial to discerning the best interest of a child in cases with evidence of such abuse. The determination of a child's best interest in these cases first requires that existing best interest factors be evaluated in light of the domestic violence or child abuse and requires consideration of the additional factors in subsection (4) of this section. This section sets forth the analysis and findings a court shall undertake if domestic violence or child abuse is present or alleged at any time during a case, based on the preponderance of the evidence, in which child custody and parenting time between the parents is at issue.

(2) GENERAL CONSIDERATIONS.

(a) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(b) In determining whether any of the conduct described in this section or section 2 of this act has occurred, the court shall apply the rules of evidence and civil procedure except where the parties have opted for an informal family law trial pursuant to state or local court rules.

(3) DEFINITIONS. The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise.

(a) "Child" shall also mean "children."

(b) "Domestic abuse" means child abuse or domestic violence as defined in RCW 7.105.010.

(c) "Knowingly" means knows or reasonably should know.

(d) "Limitation" means a provision, requirement, or order placed on an abusive parent.

(e) "Parenting functions" has the same meaning as in RCW 26.09.004.

(f) "Protective actions" are actions taken by a parent in good faith for the purpose of protecting themselves or the parent's child from the risk of harm posed by the other parent. "Protective actions" can include, but are not limited to: (i) Reports or complaints regarding physical, sexual, or mental abuse of a child or child neglect to an individual or entity connected to the provision of care or safety of the child such as law enforcement, medical professionals, therapists, schools, day cares, or child protective services; (ii) seeking court orders changing residential time; or (iii) petitions for protection or restraining orders.

(g) "Sex offense against a child" means any of the following offenses involving a child victim: (i) Any sex offense as defined in RCW 9A.44.030; (ii) any offense with a finding of sexual motivation; (iii) any offense in violation of chapter 9A.44 RCW other than RCW 9A.44.132; (iv) any offense involving the sexual abuse of a minor, including any offense under chapter 9.68A

RCW; or (v) any federal or out-of-state offense comparable to any offense under (g) (i) through (iv) of this subsection.

(h) "Social worker" means a person with a master's degree or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(i) "Willful abandonment" has occurred when the child's parent has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. "Willful abandonment" does not include a parent who has been unable to see the child due to circumstances that include, but are not limited to: Incarceration, deportation, inpatient treatment, medical emergency, fleeing to an emergency shelter or domestic violence shelter, or withholding of the child by the other parent.

(4) DOMESTIC ABUSE FACTORS.

(a) Before considering the best interest of the child factors as set forth in RCW 26.09.187, the court shall first consider the following factors and make specific written findings regarding each factor:

(i) The nature and context of the domestic violence by one parent against the other parent or any family member of the parent who is abusive, considering the dynamics of the primary aggressor;

(ii) The nature and context of any abuse experienced by the child from the parent who is abusive;

(iii) Relevant and admissible evidence of current or past acts of domestic abuse, whether or not there is a conviction for any offense of domestic abuse, a current or expired order for protection involving the child or parent, or previous court or administrative agency findings on domestic abuse;

(iv) Any information about current or future risk of harm to the child or the parent or family member who is abused posed by the abusive parent, including a child's expressions of distress about or resistance to contact with the parent who is abusive. Any distress or resistance expressed by a child may not be presumed to be caused by the abused and protective parent;

(v) The effects of domestic violence or child abuse on the child's well-being; and

(vi) The historical and present parenting behaviors of each parent.

(b) In compliance with the federal keeping children safe from family violence act, Title 34 U.S.C. Sec. 10446, as amended, any neutral professional appointed by a court to express an opinion relating to abuse, trauma, or the behavior of victims and perpetrators of abuse and trauma must demonstrate expertise and substantial direct experience working with victims of domestic violence or child abuse, including child sexual abuse, that is not primarily forensic in nature.

(c) Regardless of the outcome of the domestic abuse analysis under this subsection, the court shall consider the best interest of the child factors as outlined in RCW 26.09.187 before making



decisions related to custody and parenting time.

(5) MATTERS NOT TO BE CONSIDERED AS EVIDENCE AGAINST AN ABUSED PARENT.

(a) In determining a child's best interest in a case, the court may not consider as evidence against an abused parent:

(i) Actions that are not prohibited by law;

(ii) Efforts by a parent who is abused to protect the parent's own safety or the parent's child's safety from the other parent. This evidence may not be considered as evidence of unwillingness to facilitate contact or a positive relationship between the parent who is abusive and the child or to cooperate with the abusive parent. A parent who is abused is exempt from any best interest factor or presumption requiring such willingness; and

(iii) Evidence that the parent who is abused suffers from the effects of the abuse by the other parent. This evidence may not be the basis for denying a parent who is abused custody or parenting time including, but not limited to, a discretionary finding in RCW 26.09.187.

(b) The court may not, primarily in order to improve a deficient relationship with the other parent:

(i) Remove the child from a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded; or

(ii) Restrict contact between the child and a parent who is competent, protective, and not physically or sexually abusive, and with whom the child is bonded.

(c) The court may not remove the child from a competent, protective, and not physically or sexually abusive parent or restrict contact between the child and a competent, protective, and not physically or sexually abusive parent solely on the basis of protective actions taken by a competent, protective, and not physically or sexually abusive parent.

(6) MUTUAL ALLEGATIONS OF DOMESTIC ABUSE. If both parents present evidence that the other parent has engaged in acts of domestic abuse, the court shall hold an evidentiary hearing regarding the allegations. If the court makes a finding that both parents have engaged in acts of domestic abuse, the court shall assess and make findings regarding the following factors to assist in determining the parent that poses the lesser risk to the child and is less likely to commit acts of domestic abuse in the future:

(a) The nature and effects of the abuse on either parent, including whether either party has engaged in coercive control;

(b) Whether any physical act was in response to domestic abuse by the other parent;

(c) The impact of the domestic abuse on parenting behaviors and attributes;

(d) The effect on the child of the domestic abuse perpetrated by each parent; and

(e) The likelihood of future acts of domestic abuse being perpetrated by either parent based on that parent's history.

(7) PARENTAL CONDUCT REQUIRING LIMITS ON DISPUTE RESOLUTION, A PARENT'S DECISION MAKING, AND A PARENT'S RESIDENTIAL TIME.

(a) Conduct Requiring Limitations. Limitations are required if it is found that a parent has engaged in any of the following conduct:

~~((a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions;~~

~~(b) physical, sexual, or a))~~ (i) Physical abuse of a child;

(ii) A pattern of emotional abuse of a child;

~~((e) a))~~ (iii) A history of acts of domestic violence as defined in RCW 7.105.010 ((or an));

(iv) An assault ((or sexual assault)) that causes grievous bodily harm or the fear of such harm ((or that results in a pregnancy.

~~(2) (a) The))~~ against the child or other parent;

(v) Any sexual assault; or

(vi) Sexual abuse of a child. Required limitations and considerations for a parent who has been convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(b) Mandatory Dispute Resolution Limitations. The permanent parenting plan must not designate a dispute resolution process other than court action. There is no rebuttable presumption. The court may not require face-to-face mediation, arbitration, or interventions, including therapeutic interventions, that require the parties to share the same physical or virtual space if there has been a finding of domestic violence.

(c) Mandatory Decision-Making Limitations. The permanent parenting plan must not require mutual decision making. There is no rebuttable presumption. Where there has been a finding of domestic violence, including against a primary aggressor parent, sole decision making must be awarded to the other parent and not to the parent against whom a domestic violence finding has been made.

(d) Mandatory Residential Time Limitations. There is a rebuttable presumption that the permanent parenting plan cannot require joint residential time with or grant sole residential time to the abusive parent.

(e) Allowing Access. If the court grants any type of custody or parenting time to a parent who perpetrated domestic abuse or child abuse, whether after a hearing or by agreement between the parents, the court shall:

(i) Grant majority custody to the party who is not abusive. The court may only grant majority custody to the party who is abusive if it is by agreement of the parties and the court deems it safe for the child; and

(ii) Make detailed findings regarding how the custody or parenting time ordered by the court adequately protects the child and the parent who is abused from the risk of future harm and addresses the effects of the domestic abuse or child abuse.

(8) PARENT RESIDING WITH A PERSON WHOSE CONDUCT MAY REQUIRE RESIDENTIAL TIME LIMITATIONS. A parent's residential time with the child shall be limited if it is found that the parent knowingly resides with a person who has engaged in any of the following conduct: ~~((i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a))~~

(a) Physical abuse of a child;

(b) A pattern of emotional abuse of a child;

~~((iii) a))~~ (c) A history of acts of domestic violence as defined in RCW 7.105.010 ((or an));

(d) An assault ((or sexual assault)) that causes grievous bodily harm or the fear of such harm ((or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 7.105.010 or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and

the victim, no rebuttable presumption exists under (c) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with

the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (c)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (c)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (c) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the

convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is in the child's best interest, and (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (c)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact

between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of

protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (e), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in RCW 26.51.020. If the court finds a parent has engaged in

abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26.51 RCW in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010) against a family or household member;

(e) Any sexual assault; or

(f) Sexual abuse of a child. Required limitations and considerations on a parent who resides with someone convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(9) LIMITATIONS A COURT MAY IMPOSE ON A PARENT'S RESIDENTIAL TIME WHEN THERE IS A FINDING OF DOMESTIC ABUSE.

(a) After having assessed the nature, context, and effects of the domestic abuse, the court shall address the identified effects of the domestic abuse or child abuse on the child, including the child's present and future safety, and its effects on the parenting of the parent who is abused.

(b) The limitations that may be imposed by the court under this section must be reasonably calculated to protect a child from the physical, sexual, or emotional abuse or harm that could result if a child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the other parent.

(c) The limitations the court may impose include, but are not limited to:

(i) Supervised Visitation. A court may, in its discretion, order supervised contact between a child and the parent.

(A) If the court requires supervised visitation, there is a presumption that the supervision shall be provided by a professional supervisor. This presumption is overcome if the court finds: (I) There is a lay person who has demonstrated through sworn testimony and evidence of past interactions with children that they are capable and committed to protecting the child from physical or emotional abuse or harm; and (II) the parent is unable to access professional supervision due to (1) geographic isolation or other factors that would make professionally supervised visitation inaccessible or (2) financial indigency that has been demonstrated by a general rule 34 waiver or other evidence that the parent's current income and necessary expenses do not allow for the cost of professional supervision.

(B) For all supervision, the court shall include clear written guidelines and prohibitions to be followed by the supervised party. No visits shall take place until the supervised parent and supervisor, or designated representative of a professional supervision program, have signed an acknowledgment confirming that they have read the court orders and the guidelines and prohibitions regarding visitation and agree to follow them. The court shall only permit supervision by an individual or program that is committed to protecting the child from any physical or emotional abuse or harm and is willing and capable of intervening in behaviors inconsistent with the court orders and guidelines.

(C) A parent may seek an emergency ex parte order temporarily suspending residential time until review by the court if: (I) The supervised parent repeatedly violates the court order or guidelines; (II) the supervised parent threatens the supervisor or child with physical harm, commits an act of domestic violence, or materially violates any treatment condition associated with any restrictions under this section (a missed counseling appointment does not constitute a violation); (III) the supervisor is unable or unwilling to protect the child and/or the protected parent; or (IV) the supervisor is no longer willing to provide service to the supervised parent. The court suspending residential time shall set a review hearing to take place within 14 days of entering the ex parte order.

(ii) Evaluation Or Treatment.

(A) Where appropriate, the court may condition residential time on successful completion of a program of intervention for parents who abuse their partners or children, including programs focused on the impact of domestic violence on children and ways to promote safe, positive parenting, or other state-certified domestic violence perpetrator treatment programs approved under RCW 43.20A.735.

(B) The court shall determine whether a parent has successfully completed a program described in (c)(ii)(A) of this subsection

based on information provided by the program director regarding the participation of the abusive parent in the program and with collateral input provided from the other parent. Any evaluation report that does not include collateral input must provide details as to why and the attempts made to obtain collateral input.

(C) The court may refer, but may not order, a parent who is abused to receive services relating to the impact of current or past domestic violence on the parent who is abused and the child.

(D) A parent's residential time may be conditioned on the parent's completion of an evaluation or treatment ordered by the court.

(iii) No Contact. If, based on the evidence, the court expressly finds that limitations on the residential time with a child will not adequately protect a child from the harm or abuse that could result if a child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with a child.

(10) DETERMINATION NOT TO IMPOSE LIMITATIONS ON RESIDENTIAL TIME. This subsection does not apply to findings of sexual abuse which are governed by section 2 of this act.

(a) Determining Whether The Presumption Is Rebutted. If the court grants any type of residential time to a parent who perpetrated domestic violence or child abuse, whether after a hearing or by agreement between the parents, the court shall make detailed written findings regarding how the custody or parenting time ordered by the court adequately protects the child and the parent who is abused from the risk of future harm and addresses the effects of the domestic violence or child abuse.

(i) In determining whether the parent who has engaged in abuse has rebutted a statutory presumption against residential time, the court shall consider and make express written findings on all of the following factors:

(A) The nature and context of the domestic violence involving the parents, parenting behaviors and attributes, and the effects of the abuse on the child's well-being;

(B) Any current risk posed by the parent to the well-being of the child or other parent;

(C) Whether the parent who engaged in domestic abuse has demonstrated that they can and will prioritize the child's well-being;

(D) Whether the parent has adhered to and is likely to adhere to court orders;

(E) Whether the parent who is abusive has genuinely acknowledged past harm and is committed to avoiding harm in the future and has made the necessary changes; and

(F) A parent's compliance with any previously court-ordered treatment. A parent's compliance with the requirements for participation in a treatment program does not, by itself, constitute evidence that the parent has made the requisite changes.

(ii) Regardless of whether the domestic violence presumption against residential

time is rebutted, the court shall consider the best interest of the child factors as outlined in RCW 26.09.187 before making decisions related to custody and parenting time.

(b) Requirement For Specific Findings On The Record. If a court grants parenting time to a parent who engaged in domestic abuse, the court shall make specific written findings on the record that detail:

(i) The factors in (a) of this subsection that rebut the domestic violence presumption and therefore allow for the custody or parenting time;

(ii) That such factors are not based on a criterion in subsection (5) of this section;

(iii) How the order will promote the child's well-being; and

(iv) How the order will protect the other parent from harm posed by the parent who is abusive.

(c) Once The Presumption Has Been Rebutted.

(i) After the court has considered the specific factors related to domestic violence as outlined in subsection (4) of this section and determined that it is in the child's best interest for the abusive parent to have parenting time or visitation, a court shall order appropriate residential time provisions to promote the safety and well-being of the child and the parent who is abused, as set forth in this section.

(ii) The court shall set out in the initial order not only the protective provisions and duration, but also the necessary behavioral changes that would support a modification of the order.

(iii) Whether or not residential time is allowed, the court may, at the request of a party or on its own, order that specific information be kept confidential.

(iv) The court shall determine and order specific protective measures needed for contact, exchange, and parenting time or visitation.

(v) The court should impose, to the extent possible, measures that will provide the safest conditions that promote the safety and well-being of the child and abused parent for the parent who is abusive to have the residential time ordered by the court.

(vi) Where appropriate, the court may order that exchanges of children between the parents be supervised, without supervision of the parenting time or visitation. There is a presumption that the supervision of the exchange must be provided by a professional supervisor. This presumption is overcome if the court finds that:

(A) There is a layperson who has demonstrated through sworn testimony and evidence of past interactions with children that they are capable of and committed to protecting the child from physical or emotional abuse or harm during the exchange; and

(B) The parent is unable to access professional exchange supervision due to (I) geographic isolation or other factors that would make professionally supervised exchange inaccessible or (II) financial indigency that has been demonstrated by a general rule 34 waiver or other evidence that the parent's current income and

necessary expenses do not allow for the cost of professional exchange supervision.

(vii) Where necessary to protect the safety and well-being of the child and the parent who is abused, the court may order supervised parenting time or visitation in compliance with subsection (9) of this section.

(viii) A court order for supervised visitation or supervised exchange should include specific protective measures for arrival and departure at the visitation or exchange location.

(ix) Whether or not the court has imposed a required level of supervision for residential time or exchange, the court shall order conditions necessary to promote and enhance the safety and well-being of the child and the parent who is abused. The court should ensure such conditions are met and continue to be met for the duration of the court order. Prohibitions and requirements that may be imposed upon the parent who is abusive as a condition of residential time include, but are not limited to:

(A) Prohibiting possession or consumption of alcohol or controlled substances during the residential time and for 24 hours preceding the parenting time or visitation;

(B) Requiring surrender of all firearms and ammunition for a period of time determined by the court for the safety of the child and the parent who is abused;

(C) Assessing any fees associated with the use of the court-ordered supervised visitation against the parent who is abusive, unless the fees pose a barrier to accessing the services or are an undue hardship. The court shall not assess fees related to supervision against the parent who is abused;

(D) Prohibiting overnight parenting time or visitation;

(E) Limiting communication with the child or the parent who is abused by specifying the frequency and methods of communication and the permissible reasons for such communication;

(F) Requiring location settings or devices be used during the residential time with the parent who is abusive; or

(G) Any other condition that is deemed necessary to provide for the safety and well-being of the child or the parent who is abused, or other family or household member.

**NEW SECTION. Sec. 2.** A new section is added to chapter 26.09 RCW to read as follows:

This section governs limitations on residential provisions, decision-making authority, and dispute resolution when a parent, or a person the parent resides with, has been convicted of a sex offense against a child or found to have sexually abused a child.

(1) SEXUALLY VIOLENT PREDATORS. If a parent has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile

who has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside the predator's presence.

(2) CHILD SEXUAL ABUSE BY PARENT.

(a) A parent who has been convicted as an adult of a sex offense against any child in this or another jurisdiction poses a present danger to a child. The court shall restrain the parent from all contact with the parent's child that would otherwise be allowed under this chapter.

(b) The court shall not enter an order allowing a parent to have contact with the parent's child if the parent has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused any child of the parents.

(3) PARENT RESIDING WITH A PERSON FOUND TO HAVE SEXUALLY ABUSED A CHILD.

(a) There is a rebuttable presumption that a parent who knowingly resides with a person who, as an adult, has been convicted of a sex offense against a child, or as a juvenile has been adjudicated of a sex offense against a child at least eight years younger, in this or another jurisdiction, places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence.

(b) The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person and a neutral professional appointed by the court expresses an opinion relating to abuse, trauma, or the behavior of victims and perpetrators of abuse and trauma. The professional must demonstrate expertise and substantial direct experience working with victims of domestic violence or child abuse, including child sexual abuse, that is not primarily forensic in nature.

(4) REBUTTING THE PRESUMPTION OF NO CONTACT WHEN A PARENT RESIDES WITH OFFENDING PERSON.

(a) The presumption established in subsection (3)(a) of this section may be rebutted only after express written findings based on clear and convincing evidence that if the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (i) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the

convicted or adjudicated person, and (ii) the convicted or adjudicated person has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court.

(b) Contact If Presumption Rebutted.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (a) of this subsection, the court may allow a parent residing with a person who has been convicted of a sex offense against a child or adjudicated of a juvenile sex offense with a child at least eight years younger to have residential time with the child in the presence of that person, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The supervisor may be the parent if the court finds, based on the evidence, that the parent is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor, including the parent, upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child;

(ii) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent.

(5) RESTRICTED DECISION MAKING AND DISPUTE RESOLUTION. The parenting plan shall not require mutual decision making or designation of a dispute resolution process other than court action if it is found that a parent has been convicted as an adult of a sex offense against any child in this or any other jurisdiction, has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, or has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused any child of the parents.

**Sec. 3.** RCW 11.130.215 and 2022 c 243 s 8 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose



appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191 or section 2 of this act; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

**Sec. 4.** RCW 26.09.187 and 2007 c 496 s 603 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 or section 2 of this act applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191 and section 2 of this act; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision((-))making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191 or section 2 of this act. The parent who has been abused must be awarded sole decision making;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191 or section 2 of this act;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191 and section 2 of this act. ~~((Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors))~~

(b) When there is a history of domestic violence, after having assessed the nature, context, and effects of the domestic abuse per RCW 26.09.191, the court shall address the identified effects of the domestic abuse or child abuse on the child, including the child's present and future safety, and its

effects on the parenting of the parent who is abused.

(c) Provisions to promote the safety, recovery, and resilience of the child and the parent who is abused could include, but are not limited to:

(i) Ensuring that the parenting plan accommodates the child's interests, activities, cultural traditions, and support systems;

(ii) Connecting the child and the parent who is abused to available community-based resources;

(iii) Requiring the parent who is abusive to pay for any associated costs of services needed to respond to the domestic abuse, unless the costs pose an undue hardship. The court shall not assess costs against the parent who is abused;

(iv) If available, requiring the abusive parent to attend a program aimed at raising awareness of the harm domestic abuse caused to the child and the family, addressing safe and healthy parenting, and requiring the abusive parent to make a commitment to not repeat the abuse; and

(v) Any other provision that promotes the safety, resiliency, and well-being of the child and the safety of the parent who is abused.

(d) In addition to the factors in this section, the court shall consider and make findings regarding how domestic abuse affects all other best interest of the child factors under (e) of this subsection.

(e) In addition to the best interest factors outlined in this section, when domestic abuse has been found pursuant to RCW 26.09.191, the court shall consider the following best interest of the child factors in all cases:

(i) The relative strength, nature, and stability of the child's relationship with each parent;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004~~((3))~~ (2), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) ~~((The emotional needs and))~~ Whether a parent's involvement or conduct has had an adverse impact on the child's best interests because of:

(A) Willful abandonment or a parent's substantial nonperformance of parenting functions. Willful abandonment has occurred when the child's parent has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. Willful abandonment does not include a parent who has been unable to see the child due to circumstances that include, but are not limited to: Incarceration, deportation, inpatient treatment, medical emergency, fleeing to an emergency shelter or domestic violence shelter, or withholding of the child by the other parent;

(B) A serious mental illness as defined by the Americans with disabilities act, or physical impairment that interferes with the parent's performance of parenting functions. However, a parent's disability may not serve as the sole basis for limiting residential time, and a parent's mental health condition arising from being abused shall not be a basis for limiting residential time;

(C) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(D) The absence or substantial impairment of emotional ties between the parent and the child within the parent's control;

(E) Withholding of access to the child by a parent for a protracted period. Withholding does not include protective actions as defined in RCW 26.09.191 taken by a parent in good faith for the legitimate and lawful purpose of protecting the parent or the parent's child from the risk of harm posed by the other parent; or

(F) Such other factors or conduct as the court expressly finds adverse to the best interests of the child. If the court finds that conduct under this subsection (3)(e) (iv) has had an adverse impact on the child's best interests, the court may craft parenting plan provisions to support the parent and the child in addressing the conduct;

(v) The child's emotional and social needs, adjustment to changes in daily life, and developmental level of the child;

~~((v))~~ (vi) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

~~((vi))~~ (vii) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

~~((vii))~~ (viii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

~~((b))~~ (f) Where the limitations of RCW 26.09.191 or section 2 of this act are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

~~((e))~~ (g) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

(h) The best interests of the child are ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by

the changed relationship of the parents or as required to protect the child from harm.

**Sec. 5.** RCW 26.09.194 and 2008 c 6 s 1045 are each amended to read as follows:

(1) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit or declaration which shall state at a minimum the following:

(a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(b) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;

(c) The parents' work and child-care schedules for the preceding twelve months;

(d) The parents' current work and child-care schedules; and

(e) Any of the circumstances set forth in RCW 26.09.191 or section 2 of this act that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(2) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(a) A schedule for the child's time with each parent when appropriate;

(b) Designation of a temporary residence for the child;

(c) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with RCW 26.09.187(2), neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(d) Provisions for temporary support for the child; and

(e) Restraining orders, if applicable, under RCW 26.09.060.

(3) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(4) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of RCW 26.09.191 and section 2 of this act and is in the best interest of the child.

(5) If a proceeding for dissolution of marriage or dissolution of domestic partnership, legal separation, or declaration of invalidity is dismissed, any temporary order or temporary parenting plan is vacated.

**Sec. 6.** RCW 26.09.260 and 2009 c 502 s 3 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191 and section 2 of this act.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an

involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 ~~((2) or (3))~~ or section 2 of this act may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the

parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191 or section 2 of this act. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation

rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

**Sec. 7.** RCW 26.09.520 and 2019 c 79 s 3 are each amended to read as follows:

The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. There is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person seeking relocation would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191 or section 2 of this act;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

**Sec. 8.** RCW 26.12.177 and 2011 c 292 s 7 are each amended to read as follows:

(1) All guardians ad litem appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191 or section 2 of this act, the guardians ad litem appointed under this title must have additional relevant training under RCW 2.56.030(15) when it is available.

(2) (a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who has been found to have misrepresented his or her qualifications.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**Sec. 9.** RCW 26.51.020 and 2021 c 215 s 143 and 2021 c 65 s 103 are each reenacted and amended to read as follows:

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

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under chapter 7.105 RCW or former chapter 26.50 RCW; (B) a parenting plan with restrictions based on RCW 26.09.191((42)(a)(iii)) (7)(a)(iii) or (iv); or (C) a restraining order entered under chapter 26.09, 26.26A, or 26.26B RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 7.105.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: (a) Filing a summons, complaint, demand, or petition; (b) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; (c) filing a motion, notice of court date, note for motion docket, or order to appear; (d) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; (e) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or (f) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation."

Correct the title.

Representative Walsh moved the adoption of amendment (328) to the striking amendment (233):

On page 23, after line 19 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 26.09 RCW to read as follows:

The Legislature respectfully requests that the administrative office of the courts develop online continuing education curricula for judicial officers providing guidance on best practices for adjudicating contested parenting plans in the best interests of the child."

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

Representatives Walsh and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (328) to the striking amendment (233) was adopted.

Representative Griffey moved the adoption of amendment (340) to the striking amendment (233):

On page 23, after line 19 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 26.09 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Legislature respectfully requests that the administrative office of the courts develop evidence-based training curricula for the purpose of instructing judicial officers, including persons serving as judicial officers pro tempore, regarding the elements of trauma-informed resolution in complicated family law proceedings involving contested parenting plans. The training curricula should incorporate the lethality risk assessment tool and the adverse childhood experiences score. Once developed, the training should be included as a component of training for judicial officers offered by the Washington judicial college. All newly elected or appointed judicial officers should complete the training within 12 months of their election or appointment. Judicial officers should complete continuing education regarding this subject matter every three years."

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

Representatives Griffey and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (340) to the striking amendment (233) was adopted.

Representatives Rule and Walsh spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (233), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rule, Burnett and Griffey spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1620.

There being no objection, the House adjourned until 12:00 p.m., Sunday, March 9, 2025, the 56th Day of the 2025 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Graham, Gregerson, Griffey, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Pollet, Ramel, Reed, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives Goodman, Hill, Macri, Peterson, Reeves, Thomas and Walsh

Excused: Representatives Abell, Dent, Eslick, Hackney and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620, having received the necessary constitutional majority, was declared passed.

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

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1015  
HOUSE BILL NO. 1065  
HOUSE BILL NO. 1098  
HOUSE BILL NO. 1119  
HOUSE BILL NO. 1178  
HOUSE BILL NO. 1210  
HOUSE BILL NO. 1213  
HOUSE BILL NO. 1218  
HOUSE BILL NO. 1329  
HOUSE BILL NO. 1341  
HOUSE BILL NO. 1357  
HOUSE BILL NO. 1389  
HOUSE BILL NO. 1400  
HOUSE BILL NO. 1409  
HOUSE BILL NO. 1427  
HOUSE BILL NO. 1460  
HOUSE BILL NO. 1503  
HOUSE BILL NO. 1514  
HOUSE BILL NO. 1546  
HOUSE BILL NO. 1576  
HOUSE BILL NO. 1602  
HOUSE BILL NO. 1607  
HOUSE BILL NO. 1796  
HOUSE BILL NO. 1902  
HOUSE BILL NO. 1916  
HOUSE BILL NO. 1935  
HOUSE BILL NO. 1975

1015	Other Action .....	31	1602	Other Action .....	31
1065	Other Action .....	31	1607	Other Action .....	31
1098	Other Action .....	31	1620	Second Reading .....	15
1113	Second Reading .....	9	1620-S	Second Reading .....	15
1113-S	Second Reading .....	9		Amendment Offered .....	15, 30
	Amendment Offered .....	9, 10		Third Reading Final Passage .....	31
	Third Reading Final Passage .....	10	1622	Second Reading .....	7
1119	Other Action .....	31	1622-S	Second Reading .....	7
1163-S2	Amendment Offered .....	3, 4		Amendment Offered .....	7
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1213	Other Action .....	31		Third Reading Final Passage .....	8
1218	Other Action .....	31	1722	Second Reading .....	7
1327	Second Reading .....	11		Third Reading Final Passage .....	7
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1329	Other Action .....	31		Third Reading Final Passage .....	10
1341	Other Action .....	31	1796	Other Action .....	31
1357	Other Action .....	31	1814	Second Reading .....	5
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1400	Other Action .....	31		Third Reading Final Passage .....	6
1409	Other Action .....	31	1902	Other Action .....	31
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1503	Other Action .....	31	1947	Second Reading .....	4
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