FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 12, 2025

The House was called to order at 10:00 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, Pages Hugo Wang and Jana Berahman. The Speaker (Representative Stearns presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor David Reaves, New Life Baptist Church, Lacey.

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

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

MESSAGE FROM THE SENATE

Tuesday, March 11, 2025

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5148
ENGROSSED SUBSTITUTE SENATE BILL NO. 5445
ENGROSSED SUBSTITUTE SENATE BILL NO. 5486
ENGROSSED SENATE BILL NO. 5529
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5613
ENGROSSED SUBSTITUTE SENATE BILL NO. 5719

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

INTRODUCTION & FIRST READING

SB 5032 by Senators Wilson, C., Frame, Hasegawa, Nobles, Trudeau and Wellman

AN ACT Relating to expanding the duties of the office of the family and children's ombuds to include juvenile rehabilitation facilities operated by the department of children, youth, and families; and amending RCW 43.06A.010, 43.06A.030, and 43.06A.100.

Referred to Committee on Early Learning & Human Services.

ESSB 5143 Gildon, Pedersen and Noblesby Senate Committee on State Government, Tribal Affairs & Elections (originally sponsored by Gildon, Pedersen and Nobles)

AN ACT Relating to the ethics in public service act; amending RCW 42.52.010, 42.52.030, 42.52.070, 42.52.080, 42.52.090, 42.52.110, 42.52.120, 42.52.150, 42.52.150, 42.52.160, 42.52.180, 42.52.180, 42.52.220, 42.52.320, 42.52.480, 42.52.490, 42.52.805, 42.52.810, 42.17A.005, 29B.10.270, 42.17A.615, 29B.50.050, 42.17A.620, 29B.50.060, 42.17A.710, and 29B.55.030; reenacting and amending RCW 42.52.010; adding a new section to chapter 42.52 RCW; repealing RCW 42.52.140, 42.52.340, and 42.52.801; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SB 5177 by Senators Nobles, Wilson, C., Hasegawa, Lovelett, Orwall, Trudeau and Valdez

AN ACT Relating to considering the experiences of historically marginalized and underrepresented groups when identifying professional development resources on certain topics; amending RCW 28A.300.479; and creating a new section.

Referred to Committee on Education.

2SSB 5179 Wilson, C., Lovelett, Cortes, Dhingra, Frame, Hasegawa, Liias, Lovick, Nobles, Trudeau and Wellmanby Senate Committee on Ways & Means (originally sponsored by Wilson, C., Lovelett, Cortes, Dhingra, Frame, Hasegawa, Liias, Lovick, Nobles, Trudeau and Wellman)

AN ACT Relating to establishing a complaint process to address willful noncompliance with certain state education laws; amending RCW 43.06B.070, 28A.300.286, 28A.343.360, and 28A.710.185; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

E2SSB 5217 Nobles, Lovelett, Hasegawa, Liias, Riccelli, Saldaña, Salomon, Stanford, Trudeau and Wilson, C.by Senate Committee on Ways & Means (originally sponsored by Nobles, Lovelett, Hasegawa, Liias, Riccelli, Saldaña, Salomon, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to expanding pregnancy-related accommodations; amending RCW 2.36.100; adding a new chapter to Title 49 RCW; repealing RCW 43.10.005; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5240 Wellman, Slatter, Boehnke, Hasegawa, Nobles, Stanford, Trudeau and Wilson, C.by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Slatter, Boehnke, Hasegawa, Nobles, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to anaphylaxis medications in schools; and amending RCW 28A.210.383 and 28A.210.380.

Referred to Committee on Education.

E2SSB 5278 Braun, Christian, Dozier and Wilson, J.by Senate Committee on Ways & Means (originally sponsored by Braun, Christian, Dozier and Wilson, J.)

AN ACT Relating to management of individuals who are placed in juvenile rehabilitation institutions; amending RCW 13.40.020, 13.40.460, 72.65.200, 72.05.420, 13.40.215,

72.01.410, and 13.40.280; adding a new section to chapter 13.40 RCW; adding a new section to chapter 72.01 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Early Learning & Human Services.

E2SSB 5296 Wilson, C., Frame, Nobles, Slatter and Trudeauby Senate Committee on Ways & Means (originally sponsored by Wilson, C., Frame, Nobles, Slatter and Trudeau)

AN ACT Relating to improving outcomes for individuals adjudicated of juvenile offenses by increasing opportunities for community placement options and refining procedural requirements; and amending RCW 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 72.05.420, 13.40.210, 13.40.215, 13.40.230, 72.01.412, and 13.40.205.

Referred to Committee on Early Learning & Human Services.

SB 5297 by Senators Trudeau, Torres, Dozier, Frame, Nobles and Riccelli

AN ACT Relating to the early learning facilities grant and loan program; amending RCW 43.31.565, 43.31.569, 43.31.571, 43.31.573, 43.31.575, 43.31.577, 43.31.579, and 43.31.581; adding a new section to chapter 43.31 RCW; and repealing RCW 43.31.567.

Referred to Committee on Capital Budget.

SSB 5351 King, Chapman, Cleveland, Muzzall, Orwall, Christian, Nobles, Harris, Salomon, Conway, Frame, Hasegawa, Holy, Shewmake and Trudeauby Senate Committee on Health & Long-Term Care (originally sponsored by King, Chapman, Cleveland, Muzzall, Orwall, Christian, Nobles, Harris, Salomon, Conway, Frame, Hasegawa, Holy, Shewmake and Trudeau)

AN ACT Relating to ensuring patient choice and access to care by prohibiting unfair and deceptive dental insurance practices; amending RCW 48.43.743; adding new sections to chapter 48.43 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5455 by Senators Harris, Cleveland, Braun and Muzzall

AN ACT Relating to the administration of the Andy Hill cancer research endowment; amending RCW 43.348.020, 43.348.040, 43.348.060, and 43.348.080; and reenacting and amending RCW 43.348.010.

Referred to Committee on Health Care & Wellness.

SB 5457 by Senators Frame, Robinson, Cleveland, Liias, Chapman, Conway, Hasegawa, Lovick, Nobles, Orwall, Saldaña, Salomon, Shewmake, Slatter and Valdez

AN ACT Relating to radio and television broadcasting; amending RCW 82.04.280; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

ESSB 5466 Shewmake, Slatter, Conway, Nobles and Saldañaby Senate Committee on Environment, Energy & Technology (originally sponsored by Shewmake, Slatter, Conway, Nobles and Saldaña)

AN ACT Relating to improving reliability and capacity of the electric transmission system in Washington state; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 80.28 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

SSB 5579 Cleveland, Muzzall and Valdezby Senate Committee on Health & Long-Term Care (originally sponsored by Cleveland, Muzzall and Valdez)

AN ACT Relating to prohibiting health carriers, facilities, and providers from making any public statements of any potential or planned contract terminations unless it satisfies a legal obligation; adding a new section to chapter 48.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

ESSB 5694 Kingby Senate Committee on Labor & Commerce (originally sponsored by King)

AN ACT Relating to a statewide boiler operator certification; amending RCW 70.79.030, 70.79.040, 70.79.090, and 70.79.110; adding new sections to chapter 70.79 RCW; creating a new section; repealing RCW 70.79.050; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

SB 5702 by Senators Ramos, Goehner and Nobles

AN ACT Relating to streamlining the toll rate setting process at the transportation commission; amending RCW 34.05.030, 47.56.850, 47.56.165, 47.56.795, 47.46.100, and 47.46.105; adding a new section to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 5705 by Senators Liias, Holy, Lovick and King

AN ACT Relating to improving traffic safety by modifying penalty amounts for certain traffic infractions; amending RCW 46.61.145, 46.61.400, 46.61.525, 46.61.672, and 46.61.688; and prescribing penalties.

Referred to Committee on Transportation.

SB 5716 by Senators Krishnadasan, Chapman, Cortes, Hasegawa and Liias

AN ACT Relating to expanding the locations where a person can be guilty of unlawful transit conduct to include the Washington state ferries; amending RCW 9.91.025; and prescribing penalties.

Referred to Committee on Transportation.

E2SSB 5745 Dhingra, Bateman, Lovick, Nobles and Pedersenby Senate Committee on Ways & Means (originally sponsored by Dhingra, Bateman, Lovick, Nobles and Pedersen)

AN ACT Relating to legal representation under the involuntary treatment act; amending RCW 71.05.110, 71.05.130, 71.05.730, 72.23.010, 72.23.020, 2.70.020, and 2.70.023; reenacting and amending RCW 71.05.020, 71.05.020, 71.34.020, and 71.34.020; repealing 2024 c 62 ss 26 and 27; providing contingent effective dates; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

ESB 5746 by Senators Wilson, J., Christian, Chapman, Nobles and Salomon

AN ACT Relating to creating an advisory committee on electric vehicle charger infrastructure property crime;

amending RCW 42.56.270; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SJM 8002 by Senators Hasegawa, Chapman, Stanford, Trudeau and Valdez

Concerning Medicare.

Referred to Committee on Health Care & Wellness.

SJR 8201 by Senators Braun, Pedersen and Conway

Amending the Constitution to allow the state to invest moneys from long-term services and supports accounts.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 1574, by Representatives Macri, Davis, Parshley, Mena, Goodman, Simmons, Ormsby, Scott, Doglio, Pollet, Salahuddin, Reed, Nance and Kloba

Protecting access to life-saving care and substance use services.

The bill was read the second time.

With the consent of the House, amendments (237), (849), (851), (850) and (848) were withdrawn.

Representative Macri moved the adoption of the striking amendment (712):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.315 and 2015 c 205 s 4 are each amended to read as follows:

(1) ((~~A~~))Notwithstanding any other provision of law, a person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose ((~~shall not be charged or prosecuted for possession of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance.~~

~~(2) A person~~))or who experiences a drug-related overdose and is in need of medical assistance ((~~shall~~))may not be arrested, charged ((~~or~~)), prosecuted, or convicted for possession or use of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession or use of a controlled substance was obtained as a result of the overdose and the need for medical assistance.

(2)(a) Notwithstanding any other provision of law, a person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose or who experiences a drug-related overdose and is in need of medical assistance may not:

(i) Have their property subject to civil forfeiture; or

(ii) Be penalized for:

(A) Violation of a restraining order, no contact order, or protection order;

(B) Violation of probation or parole; or

(C) Failing to appear for an existing nonviolent, nonsexual charge.

(b) The protections in (a) of this subsection only apply if the property that would be subject to civil forfeiture or the evidence for the possible charge of such a violation was obtained as a result of the overdose and the need for medical assistance.

(3) Nothing in this section prohibits a peace officer from lawfully detaining a person without making an arrest.

(4) The protection in this section from prosecution for possession crimes under RCW 69.50.4013 shall not be grounds for suppression of evidence in other criminal charges, except as provided in subsection (2) of this section.

(5) Peace officers as defined in RCW 43.101.010 and their employing agencies are immune from liability, including from revocation of certification under RCW 43.101.105, for any conduct taken or policy adopted in compliance with this section, unless such action or inaction is taken in bad faith or with deliberate indifference or gross negligence.

Sec. 2. RCW 10.31.100 and 2023 c 462 s 702 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) ((~~A~~))Except as provided in RCW 69.50.315, a police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40,

9A.46, 9A.88, 10.99, 26.09, 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer

has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 3. RCW 69.50.4121 and 2023 sp.s. c 1 s 7 are each amended to read as follows:

(1) Every person who sells or permits to be sold to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits distribution or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health programs, community-based HIV prevention programs, outreach, shelter((,)) and housing programs, and health care facilities, including hospitals and pharmacies. Public health and syringe service program staff taking samples of substances and using drug testing equipment for the purpose of analyzing the composition of the substances or detecting the presence of certain substances are acting legally and are exempt from arrest and prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c)."

Correct the title.

Representative Griffey moved the adoption of amendment (863) to the striking amendment (712):

On page 1, line 23 of the striking amendment, after "forfeiture" insert ", except for items in plain sight"

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

MOTIONS

On motion of Representative Ramel, Representative Hackney was excused.

On motion of Representative Griffey, Representative Graham was excused.

Amendment (863) to the striking amendment (712) was adopted.

Representatives Macri and Griffey spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (712), 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.

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

Representatives Burnett, Griffey, Manjarrez and Connors spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1574.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1574, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

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, 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, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Richards, Rude, Rule, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Hackney

ENGROSSED HOUSE BILL NO. 1574, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1815, by Representatives Peterson, Cortes and Goodman

Concerning prison riot offenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1815 was substituted for House Bill No. 1815 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1815 was read the second time.

Representative Dent moved the adoption of amendment (859):

On page 5, after line 15, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall establish rules for including prison riot behavior as described in RCW 9.94.010(1) as an infraction that is managed through the internal behavioral management infraction system.

(2) By August 1, 2025, the department shall respond to prison riot behavior as described in RCW 9.94.010(1) that occurs in an institution using the internal behavioral management infraction system.

(3) The department may impose an infraction using the internal behavioral management infraction system for offenses that were vacated under section 2 of this act when appropriate."

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

On page 5, after line 18, insert the following:

"NEW SECTION. **Sec. 6.** This act takes effect August 1, 2025."

Representatives Dent and Bergquist spoke in favor of the adoption of the amendment.

Amendment (859) 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 Peterson, Eslick and Burnett spoke in favor of the passage of the bill.

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

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1815, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

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

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

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1912, by Representatives Dent, Reeves, Schmick, Springer, Orcutt, Nance, McClintock, Morgan, Engell, Paul, Mendoza, Bernbaum, Barnard, Richards, Eslick, Manjarrez, Dufault, Shavers, Burnett, Timmons, Abell, Thai, Barkis, Davis, Connors and Hill

Concerning the exemption for fuels used for agricultural purposes in the climate commitment act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1912 was substituted for House Bill No. 1912 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1912 was read the second time.

Representative Walsh moved the adoption of the striking amendment (343):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) For sales of any fuel for which the associated emissions are exempt from coverage under RCW 70A.65.080(7)(e):

(a) A motor vehicle or special fuels seller who sells fuel to a person who uses the fuel for exempt purposes must register with the department by December 15, 2025. However, nothing in this subsection shall be construed to require any motor vehicle or special fuels seller to register with the department under this subsection if they have devised a methodology within their supply chain to provide fuel to persons exempt from coverage under RCW 70A.65.080(7)(e) without imposing any projected fuel price impact of compliance with the climate commitment act.

(b)(i) The department must establish a projected fuel price impact of compliance with the climate commitment act derived from total allowance cost based on the most recent quarterly auction price determined under the provisions of this chapter. The department must calculate a projected fuel price impact of compliance with the climate commitment act for each type of fuel that may be purchased by persons exempt under RCW 70A.65.080(7)(e).

(ii) For the purposes of computing the fuel price impact of compliance with the climate commitment act, the department must:

(A) Assume that the compliance costs of this chapter are passed through, in full, to exempt users; and

(B) Apply a calculation methodology for each fuel type, exclusive of any biofuel content, that results in a cents per gallon equivalent to be used by a registered motor vehicle or special fuels seller to calculate the deduction to persons exempt under RCW 70A.65.080(7)(e) and the amount of rebate created in this section.

(c) The department must update the fuel price impacts of compliance with the climate commitment act calculated under (b)(ii)(B) of this subsection upon the conclusion of each quarterly allowance auction, publish it on the department's website, and notify each registered motor vehicle or special fuels seller at the beginning of each quarter.

(2) A registered retail seller of fuel must accept a valid exemption certificate, provided on form ECY 070-721 adopted in February 2023 or as hereinafter amended from time to time by the department, from a person exempt under RCW 70A.65.080(7)(e) and must deduct the fuel price impact of compliance with the climate commitment act determined by the department under subsection (1)(b) of this section for the current quarter from the price per gallon of fuel when that fuel is purchased.

(3)(a) A rebate program is hereby established for registered motor vehicle or special fuels sellers to offset their lost revenue for selling fuel to persons exempt under RCW 70A.65.080(7)(e). The first quarter that the rebate program is to begin will occur on January 1, 2026.

(b) Rebates under this program shall be paid by the department from moneys collected for the climate commitment account and these payments shall not require legislative appropriation.

(c) The rebate form issued by the department under this section shall be in a form and manner prescribed by the department, which may include an electronic form. Rebate forms must be updated quarterly when the department calculates the fuel price impacts of the climate commitment act and must be provided to each registered motor vehicle or special fuels seller at the beginning of each quarter. Rebate forms must contain the following information:

(i) A unique identifying number assigned by the department to the registered motor vehicle or special fuels seller;

(ii) The name and address of the rebate form holder;

(iii) A space for each type of fuel that may be used by a person exempt under RCW 70A.65.080(7)(e);

(iv) A space for the fuel price impacts of compliance with the climate commitment act that are calculated by the department for that quarter for each type of fuel that might be sold to persons exempt under RCW 70A.65.080(7)(e);

(v) A space for the registered motor vehicle or special fuel seller to insert the number of gallons of each type of exempt fuel sold to persons under RCW 70A.65.080(7)(e);

(vi) A space for a grand total being requested for rebate that quarter.

(4) Rebate forms may also contain such other information as required by the department including, but not limited to:

(a) An attestation which states: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the state of Washington and the United States of America that the foregoing is true and correct.";

(b) A statement that the department is authorized to obtain information concerning the validity of the rebate being requested by the registered motor vehicle or special fuels seller and that falsifying information on the rebate form will result in the registered motor vehicle or special fuels seller being required to refund the incorrect amount of the rebate paid plus a 25 percent penalty;

(c) The signature of the representative of the registered motor vehicle or special fuels seller requesting the rebate, unless a copy of the rebate form is provided to the department in a format other than paper.

(5) A registered motor vehicle or special fuels seller may submit rebate forms to the department monthly or quarterly. The department may also create a pathway for

registered motor vehicle or special fuels sellers to submit the rebate forms electronically with electronic signatures. The department shall provide the rebate within 30 days of the receipt of a valid rebate form.

Sec. 2. RCW 70A.65.080 and 2024 c 352 s 4 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c)(i) Where the person is a first jurisdictional deliverer importing electricity into the state and:

(A) For specified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent;

(B) For unspecified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 0 metric tons of carbon dioxide equivalent; or

(C) For electricity purchased from a federal power marketing administration pursuant to section 5(b) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, if the department determines such electricity is not from a specified source, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent.

(ii) In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) A person is a covered entity as of the beginning of the third compliance period, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for 2027 or 2028, where the person owns or operates a railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the

facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the ((~~seller~~))motor vehicle or special fuels seller, registered under section 1 of this act, with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865. For the purposes of this subsection, "special fuel" means diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known sold to a farm fuel user for agricultural purposes under this subsection;

(ii) ((~~The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period;~~))Until December 31, 2036, motor vehicle fuel or special fuel that is used for the purpose of transporting agricultural products on public highways and river systems. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "special fuel" means diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known sold to a transporter of agricultural products under this subsection;

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.540 RCW.

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in

the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under this chapter and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period."

Correct the title.

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

Representative Fitzgibbon spoke against the adoption of the striking amendment.

The striking amendment (343) was not adopted.

Representative Dent moved the adoption of the striking amendment (701):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) By October 1, 2025, the department must post and periodically update on its website a directory tool, by county and, if applicable, city, of the name and address of each retail fuel seller of exempt agricultural fuel under RCW 70A.65.080(7)(e) that has notified the department under subsection (3) of this section including, but not limited to, retail fuel sellers that rely on a cardholder or membership program and exempt fuel purchase aggregators. The department may only identify in the directory entities that make available exempt agricultural fuel under RCW 70A.65.080(7)(e) for purchase at a price that is different than the price of fuel that is not exempt under RCW 70A.65.080(7)(e). The directory tool must allow a user to use a simple search function to find a retail seller of exempt agricultural fuel in a specific jurisdiction within the state.

(2)(a) By October 1, 2025, the department must publish on its website a guide for potentially eligible users of exempt agricultural fuel under RCW 70A.65.080(7)(e) that describes:

(i) In consultation with the department of licensing, the mechanisms by which the exempt fuel user may obtain a remittance; or

(ii) The mechanisms by which the exempt fuel user may purchase exempt fuel including, but not limited to, exempt fuel purchase aggregators and cardholder or membership-based payment options offered by private parties. The information that the department is required to publish under this subsection is limited to information that is voluntarily disclosed by retail fuel sellers or exempt fuel purchase aggregators.

(b) This guide must include a description of the information submission and procedural requirements associated with obtaining a remittance payment under the remittance program implemented by the department of licensing.

(3) A retail fuel seller including, but not limited to, an exempt fuel purchase aggregator or cardholder or membership-based payment option, may voluntarily notify the department of locations where exempt agricultural fuel under RCW 70A.65.080(7)(e) is available for purchase, including contact information for the location, types of exempt fuel for sale, and the address and latitude and longitude of each location.

(4) Subject to amounts appropriated for this purpose, the department of commerce must provide financial incentives or remove financial barriers to retail fuel sellers for making exempt agricultural fuel available for purchase at a price that is different than the price of fuel that is not exempt under RCW 70A.65.080(7)(e) including, but not limited to, providing financial assistance to retail fuel sellers to make cardholder or membership-based payment options available for use at the retail fuel seller.

(5) Nothing in this section establishes, limits, or otherwise alters the obligation of a person to be a covered or opt-in entity under RCW 70A.65.080, an opt-in entity under RCW 70A.65.090(3), or to report emissions under RCW 70A.15.2200. Nothing in this section makes a fuel seller that is not a covered entity under this chapter subject to the penalties provided in RCW 70A.65.200(5).

(6) It is the intent of the legislature to pair the activities described in this section with a continuation, through the 2025-2027 biennium of the payment program for exempt fuel specified in RCW 70A.65.080(7)(e) implemented by the department of licensing as required by the 2024 supplemental omnibus operating appropriations act, ESSB 5950. It is the intent of the legislature to fund the continuation of the department of licensing's remittance program with all unexpended funds appropriated in the 2024 supplemental omnibus operating appropriations act for purposes of that program.

(7) For purposes of this section "exempt fuel purchase aggregator" means a for-profit or nonprofit entity that makes exempt agricultural fuel available to customers for purchase at a differential rate than the rate charged for nonexempt fuels, and that has established procedures for verifying that the fuel purchased qualifies as exempt, as well as procedures for tracking and reporting the volumes of exempt fuel sales to covered or opt-in entities from which the aggregator purchases fuel.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Dent moved the adoption of amendment (864) to the striking amendment (701):

On page 2, after line 40 of the striking amendment, insert the following:

"Sec. 2. RCW 70A.65.080 and 2024 c 352 s 4 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c)(i) Where the person is a first jurisdictional deliverer importing electricity into the state and:

(A) For specified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent;

(B) For unspecified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 0 metric tons of carbon dioxide equivalent; or

(C) For electricity purchased from a federal power marketing administration pursuant to section 5(b) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, if the department determines such electricity is not from a specified source, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent.

(ii) In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) A person is a covered entity as of the beginning of the third compliance period, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for 2027 or 2028, where the person owns or operates a railroad company, as that term is defined in RCW 81.04.010, and the railroad company's

emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption ((~~for a period of five years~~)) until December 31, 2029, in order to provide the agricultural sector with a feasible transition period;

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.540 RCW.

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities

that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under this chapter and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period."

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

Representatives Dent and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (864) to the striking amendment (701) was adopted.

Representative Walsh moved the adoption of amendment (716) to the striking amendment (701):

Beginning on page 1, line 3, strike all material through "immediately." on page 3, line 4 and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) For sales of any fuel for which the associated emissions are exempt from coverage under RCW 70A.65.080(7)(e):

(a) A motor vehicle or special fuels seller who sells fuel to a person who uses the fuel for exempt purposes must register with the department by December 15, 2025. However, nothing in this subsection shall be construed to require any motor vehicle or special fuels seller to register with the department under this subsection if they have devised a methodology within their supply chain to provide fuel to persons exempt from coverage under RCW 70A.65.080(7)(e) without imposing any projected fuel price impact of compliance with the climate commitment act.

(b)(i) The department must establish a projected fuel price impact of compliance with the climate commitment act derived from total allowance cost based on the most recent quarterly auction price determined under the provisions of this chapter. The department must calculate a projected fuel price impact of compliance with the climate commitment act for each type of fuel that may be purchased by persons exempt under RCW 70A.65.080(7)(e).

(ii) For the purposes of computing the fuel price impact of compliance with the climate commitment act, the department must:

(A) Assume that the compliance costs of this chapter are passed through, in full, to exempt users; and

(B) Apply a calculation methodology for each fuel type, exclusive of any biofuel content, that results in a cents per gallon equivalent to be used by a registered motor vehicle or special fuels seller to calculate the deduction to persons exempt under RCW 70A.65.080(7)(e) and the amount of rebate created in this section.

(c) The department must update the fuel price impacts of compliance with the climate commitment act calculated under (b)(ii)(B) of this subsection upon the conclusion of each quarterly allowance auction, publish it on the department's website, and notify each registered motor vehicle or special fuels seller at the beginning of each quarter.

(2) A registered retail seller of fuel must accept a valid exemption certificate, provided on form ECY 070-721 adopted in February 2023 or as hereinafter amended from time to time by the department, from a person exempt under RCW 70A.65.080(7)(e) and must deduct the fuel price impact of compliance with the climate commitment act determined by the department under subsection (1)(b) of this section for the current quarter from the price per gallon of fuel when that fuel is purchased.

(3)(a) A rebate program is hereby established for registered motor vehicle or special fuels sellers to offset their lost revenue for selling fuel to persons exempt under RCW 70A.65.080(7)(e). The first quarter that the rebate program is to begin will occur on January 1, 2026.

(b) Rebates under this program shall be paid by the department from moneys collected for the climate commitment account and these payments shall not require legislative appropriation.

(c) The rebate form issued by the department under this section shall be in a form and manner prescribed by the department, which may include an electronic form. Rebate forms must be updated quarterly when the department calculates the fuel price impacts of the climate commitment act and must be provided to each registered motor vehicle or special fuels seller at the beginning of each quarter. Rebate forms must contain the following information:

(i) A unique identifying number assigned by the department to the registered motor vehicle or special fuels seller;

(ii) The name and address of the rebate form holder;

(iii) A space for each type of fuel that may be used by a person exempt under RCW 70A.65.080(7)(e);

(iv) A space for the fuel price impacts of compliance with the climate commitment act that are calculated by the department

for that quarter for each type of fuel that might be sold to persons exempt under RCW 70A.65.080(7)(e);

(v) A space for the registered motor vehicle or special fuel seller to insert the number of gallons of each type of exempt fuel sold to persons under RCW 70A.65.080(7)(e);

(vi) A space for a grand total being requested for rebate that quarter.

(4) Rebate forms may also contain such other information as required by the department including, but not limited to:

(a) An attestation which states: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the state of Washington and the United States of America that the foregoing is true and correct.";

(b) A statement that the department is authorized to obtain information concerning the validity of the rebate being requested by the registered motor vehicle or special fuels seller and that falsifying information on the rebate form will result in the registered motor vehicle or special fuels seller being required to refund the incorrect amount of the rebate paid plus a 25 percent penalty;

(c) The signature of the representative of the registered motor vehicle or special fuels seller requesting the rebate, unless a copy of the rebate form is provided to the department in a format other than paper.

(5) A registered motor vehicle or special fuels seller may submit rebate forms to the department monthly or quarterly. The department may also create a pathway for registered motor vehicle or special fuels sellers to submit the rebate forms electronically with electronic signatures. The department shall provide the rebate within 30 days of the receipt of a valid rebate form.

Sec. 2. RCW 70A.65.080 and 2024 c 352 s 4 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c)(i) Where the person is a first jurisdictional deliverer importing electricity into the state and:

(A) For specified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent;

(B) For unspecified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 0 metric tons of carbon dioxide equivalent; or

(C) For electricity purchased from a federal power marketing administration pursuant to section 5(b) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, if the department determines such electricity is not from a specified source, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent.

(ii) In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods

if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) A person is a covered entity as of the beginning of the third compliance period, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for 2027 or 2028, where the person owns or operates a railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the ((~~seller~~))motor vehicle or special fuels seller, registered under section 1 of this act, with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865. For the purposes of this subsection, "special fuel" means diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known sold to a farm fuel user for agricultural purposes under this subsection;

(ii) ((~~The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period;~~))Until December 31, 2036, motor vehicle fuel or special fuel that is used for the purpose of transporting agricultural products on public highways and river systems. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "special fuel" means diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known sold to a transporter of agricultural products under this subsection;

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.540 RCW.

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under this chapter and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period."

Correct the title.

With the consent of the House, Representative Walsh withdrew amendment (716).

Representatives Dent and Fitzgibbon spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (701), 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 Dent, Fitzgibbon, McClintock, Reeves and Jacobsen spoke in favor of the passage of the bill.

Representatives McEntire and Walsh spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1912.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1912, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, 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, Waters, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Chase, McEntire, Walsh and Ybarra

Excused: Representative Hackney

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1912, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1669, by Representatives Stonier, Caldier, Davis, Berry, Low, Shavers, Nance, Doglio, Lekanoff, Reed and Parshley

Concerning coverage requirements for prosthetic limbs and custom orthotic braces.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1669 was substituted for House Bill No. 1669 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1669 was read the second time.

Representative Schmick moved the adoption of amendment (861):

On page 1, line 7, after "(1)" strike all material through "a" and insert "A"

On page 3, beginning on line 16, after "market" strike all material through "RCW" on line 18

On page 3, after line 18, insert the following:

"**Sec. 2.** RCW 41.05.017 and 2024 c 251 s 5 and 2024 c 242 s 10 are each reenacted and amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, 48.43.780, 48.43.435, 48.43.815, 48.200.020 through 48.200.280, 48.200.300 through 48.200.320, 48.43.440, section 1 of this act, and chapter 48.49 RCW."

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

Representative Stonier spoke against the adoption of the amendment.

Amendment (861) 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 Stonier and Caldier spoke in favor of the passage of the bill.

Representatives Schmick and Engell spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1669.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1

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

Voting Nay: Representatives Abell, Chase, Corry, Couture, Dent, Dufault, Dye, Engell, Graham, Ley, Manjarrez, McClintock, McEntire, Mendoza, Schmick, Volz and Walsh

Excused: Representative Hackney

SUBSTITUTE HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1819, by Representatives Barnard, Doglio, Parshley, Ramel and Fitzgibbon

Increasing transmission capacity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1819 was substituted for House Bill No. 1819 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1819 was read the second time.

With the consent of the House, amendments (059) and (247) were withdrawn.

Representative Barnard moved the adoption of the striking amendment (256):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C RCW to read as follows:

(1) The following utility-related actions are categorically exempt from compliance with this chapter: Upgrading or rebuilding existing electric powerlines within an existing powerline right-of-way, including:

(a) Relocations of small segments of the powerlines within an existing powerline right-of-way or within previously disturbed or developed lands; or

(b) Widening an existing powerline right-of-way to meet current electrical standards if the widening remains within previously disturbed or developed lands and only extends into a small area beyond such lands as needed to comply with applicable electrical standards.

(2) The categorical exemption required in subsection (1) of this section shall not apply if any of the following conditions are present:

(a) The proposed action is a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not;

(b) The proposed action is a series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. For proposals in this subsection, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review; or

(c) The proposed action includes installation or construction directly in or under lands covered by water.

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

(a) "Previously disturbed or developed" refers to land that has been changed such that its functioning ecological processes have been and remain altered by human activity. The phrase encompasses areas that

have been transformed from natural cover to nonnative species or a managed state including, but not limited to, utility and electric power transmission corridors and rights-of-way, and other areas where active utilities and currently used roads are readily available.

(b) "Upgrading or rebuilding existing electric powerlines" includes any repair, maintenance, replacement, modification, or upgrade including, but not limited to, increases in voltage, reconductoring, installation of grid-enhancing or optimizing technologies, or the relocation or addition of utility poles, to any existing electric transmission or distribution electric powerlines and any associated infrastructure.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW to read as follows:

For a project that is categorically exempt under section 1 of this act, the utility must notify the department of archaeology and historic preservation created in chapter 43.334 RCW and each federally recognized Indian tribe with usual and accustomed areas and ceded treaty areas in the area where the right-of-way exists before commencing the project. The purpose of the notification and consultation required under this section is to allow the utility to determine that there are no existing archaeological, cultural, or tribal resources in the right-of-way. The department of archaeology and historic preservation may require a survey to be done in coordination with the affected federally recognized Indian tribe, must ensure that consultation with such tribe occurs, and must determine whether archaeological, cultural, or tribal resources are identified in an existing right-of-way. If any such resources are identified, the department of archaeology and historic preservation must ensure that the utility accounts for and protects the resources under chapter 27.53 RCW. Information provided by the federally recognized Indian tribe must be kept confidential and exempt from public disclosure under chapter 42.56 RCW.

Sec. 3. RCW 19.280.030 and 2024 c 351 s 9 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than 25,000 customers that are not full requirements customers must develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next 10 years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources, as informed, as applicable, by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (a) of this subsection. Such assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, including but not limited to battery storage and pumped storage, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) An assessment and 20-year forecast of the availability of and requirements for regional generation and transmission capacity to provide and deliver electricity to the utility's customers and to meet the requirements of chapter 288, Laws of 2019 and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The transmission assessment must identify the utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, bulk transmission facilities consistent with the requirements of this section and reliability standards;

(i) If an electric utility operates transmission assets rated at 115,000 volts or greater, the transmission assessment must take into account opportunities to make more effective use of existing transmission capacity through improved transmission system operating practices, energy efficiency, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(ii) An electric utility that relies entirely or primarily on a contract for transmission service to provide necessary transmission services may comply with the transmission requirements of this subsection by requesting that the counterparty to the transmission service contract include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's process for assessing transmission need, and planning and acquiring necessary transmission capacity;

(iii) An electric utility may comply with the requirements of this subsection (1)(f) by relying on and incorporating the results of a separate transmission assessment process, conducted individually or jointly with other utilities and transmission system

users, if that assessment process meets the requirements of this subsection;

(g) A determination of resource adequacy metrics for the resource plan consistent with the forecasts;

(h) A forecast of distributed energy resources that may be installed by the utility's customers and an assessment of their effect on the utility's load and operations;

(i) An identification of an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(j) The integration of the demand forecasts, resource evaluations, and resource adequacy requirement into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of its electric system;

(k) An assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(l) A 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard, that identifies the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and

(m) An analysis of how the plan accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due to be filed after September 1, 2023.

(2) The clean energy action plan must:

(a) Identify and be informed by the utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities ((~~and document existing and planned efforts by the utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (1)(f) of this section~~)), which must include an evaluation of where reconductoring to increase ampacity, reduce line loss, or improve grid resilience would yield meaningful improvements to the functioning and reliability of the system; and

(f) Identify the nature and possible extent to which the utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(3)(a) An electric or large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission for investor-owned utilities pursuant to RCW 80.28.405 and the department for consumer-owned utilities, when developing integrated resource plans and clean energy action plans. An electric utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(i) Evaluating and selecting conservation policies, programs, and targets;

(ii) Developing integrated resource plans and clean energy action plans; and

(iii) Evaluating and selecting intermediate term and long-term resource options.

(b) For the purposes of this subsection (3): (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(4) To facilitate broad, equitable, and efficient implementation of chapter 288, Laws of 2019, a consumer-owned energy utility may enter into an agreement with a joint operating agency organized under chapter 43.52 RCW or other nonprofit organization to develop and implement a joint clean energy action plan in collaboration with other utilities.

(5) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and 10 years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads;

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made;

(d) By December 31, 2020, and in every resource plan thereafter, identifies how the utility plans over a 10-year period to implement RCW 19.405.040 and 19.405.050; and

(e) Accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due to be filed after September 1, 2023.

(6) Assessments for demand-side resources included in an integrated resource plan may include combined heat and power systems as one of the measures in a conservation supply curve. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection.

(7) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission or the department, or at a minimum on intervals of two years.

(9)(a) Plans shall not be a basis to bring legal action against electric utilities. However, nothing in this subsection (9)(a) may be construed as limiting the commission or any party from bringing any action pursuant to Title 80 RCW, this chapter, or chapter 19.405 RCW against any large combination utility related to an integrated system plan submitted pursuant to RCW 80.86.020.

(b) The commission may approve, reject, or approve with conditions, any integrated system plans submitted by a large combination utility as defined in RCW 80.86.010.

(10)(a) To maximize transparency, the commission, for investor-owned utilities, or the governing body, for consumer-owned utilities, may require an electric utility to make the utility's data input files available in a native format. Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

(11) The commission may require a large combination utility as defined in RCW 80.86.010 to incorporate the requirements of this section into an integrated system plan established under RCW 80.86.020."

Representatives Barnard and Doglio spoke in favor of the adoption of the striking amendment.

The striking amendment (256) 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 Barnard and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1819.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1819, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

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, Eslick, 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: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1819, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1395, by Representatives Farivar, Fosse, Nance, Reeves, Simmons, Obras, Berry, Mena, Scott, Doglio, Macri, Peterson, Salahuddin, Parshley, Cortes, Paul, Alvarado, Ryu, Duerr, Reed, Ramel, Shavers, Wylie, Ormsby, Street, Hill and Donaghy

Streamlining the home care worker background check process.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1395 was substituted for House Bill No. 1395 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1395 was read the second time.

Representative Farivar moved the adoption of the striking amendment (844):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20A.715 and 2023 c 470 s 3014 are each amended to read as follows:

(1) Where the department is required to screen a long-term care worker, contracted provider, or licensee through a background check to determine whether the person has a history that would disqualify the person from having unsupervised access to, working with, or providing supervision, care, or treatment to vulnerable adults or children, the department may not automatically disqualify a person on the basis of a criminal record that includes a conviction of any of the following crimes once the specified amount of time has passed for the particular crime:

(a) Selling cannabis to a person under RCW 69.50.401 after three years or more have passed between the most recent conviction and the date the background check is processed;

(b) Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed;

(c) Robbery in the second degree under RCW 9A.56.210 after five years or more have passed between the most recent conviction and the date the background check is processed;

(d) Extortion in the second degree under RCW 9A.56.130 after five years or more have passed between the most recent conviction and the date the background check is processed;

(e) Assault in the second degree under RCW 9A.36.021 after five years or more have passed between the most recent conviction and the date the background check is processed; and

(f) Assault in the third degree under RCW 9A.36.031 after five years or more have passed between the most recent conviction and the date the background check is processed.

(2) The provisions of subsection (1) of this section do not apply where the department is performing background checks for the department of children, youth, and families.

(3) The provisions of subsection (1) of this section do not apply to department employees or applicants for department positions except for positions in the state-operated community residential program.

(4) Notwithstanding subsection (1) of this section, a long-term care worker, contracted provider, or licensee may not provide, or be paid to provide, care to children or vulnerable adults under the medicare or medicaid programs if the worker is excluded from participating in those programs by federal law.

(5) The department((~~, a contracted provider, or a licensee~~))or an authorized entity, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, may, in its sole discretion, determine whether to consider any of the convictions identified in subsection (1) of this section. If the department or a consumer directed employer as defined in RCW 74.39A.009 determines that an individual with any of the convictions identified in subsection (1) of this section is qualified to provide services to a department client as an individual provider as defined in RCW 74.39A.240, the department or the consumer directed employer must provide the client, and their guardian if any, with the results of the state background check for their determination of character, suitability, and competence of the individual before the individual begins providing services. The department((~~, a contracted provider, or a licensee~~))or an authorized entity, when conducting a character, competence, and suitability review for the purpose of hiring, licensing, certifying, contracting with, permitting, or continuing to permit a person to be employed in any position caring for or having unsupervised access to vulnerable adults or children, has a rebuttable presumption that its exercise of discretion under this section or the refusal to exercise such discretion was appropriate. This subsection does not create a duty for the department to conduct a character, competence, and suitability review.

(6)(a) An employer or an authorized entity shall not conduct a character, competence, and suitability review for individual providers and home care agency providers, based on a name and date of birth or fingerprint-based background check result, when:

(i) The employer or authorized entity has already conducted a character, competence, and suitability review for the individual provider or home care agency provider for a previously reviewed nonautomatically disqualifying conviction, pending charge, or negative action found during a previous background check, for which the employer or authorized entity has previously conducted a character, competence, and suitability review;

(ii) An individual provider or home care agency provider has obtained a certificate of restoration of opportunity under RCW 9.97.020 for the relevant nonautomatically disqualifying conviction or convictions; or

(iii) It is known to the employer or authorized entity that more than 10 years have passed since the last nonautomatically disqualifying conviction or negative action against the individual provider or home care agency provider.

(b) The department shall develop rules to establish standards for conducting character, competence, and suitability reviews under this subsection (6), including parameters to prioritize the safety of vulnerable adults and minors, clients' rights regarding individual and home care agency providers' background check results

and character, competence, and suitability reviews, and an equitable review process for individual providers and home care agency providers.

(7)(a) Individual providers and home care agency providers subject to and awaiting a character, competence, and suitability review may work for up to 30 days before the character, competence, and suitability review is completed, provided that their background check did not include any automatically disqualifying conviction, crime, negative action, or pending charge, and the employer has not completed the character, competence, and suitability review and determined the home care agency provider or individual provider unable to work.

(b)(i) Prior to the provision of any care services by an individual provider or home care agency provider during the 30-day temporary practice period established in (a) of this subsection, the parent or guardian of the minor, the vulnerable adult, or the guardian of the vulnerable adult must be:

(A) Notified in writing that the character, competence, and suitability review for the individual provider or home care agency provider has not been completed;

(B) Provided with an opportunity to decline the receipt of care services from the individual provider or home care agency provider and an explanation of the procedure for declining the receipt of care; and

(C) Provided a list of crimes that would trigger a character, competence, and suitability review and an explanation of why a character, competence, and suitability review is required for the individual provider or home care agency provider. The department shall compile a list of all nonautomatically disqualifying crimes for this purpose.

(ii) The notice requirement of (b)(i) of this subsection does not apply to any home care agency provider that has been employed by the same employer since the previous name and date of birth background check or fingerprint-based background check had been conducted.

(8) For the purposes of the section:

(a) "Authorized entity" means a service provider, licensee, contractor, or other public or private agency that:

(i) Is required to conduct background checks; and

(ii) Is authorized to conduct background checks through the department's background check central unit.

(b) "Character, competence, and suitability review" means a review process that the employer or an authorized entity uses to decide whether a person has the character, competence, and suitability to work in a position that may have unsupervised access to minors or vulnerable adults.

(c) "Contracted provider" means a provider, and its employees, contracted with the department or an area agency on aging to provide services to department clients under programs under chapter 74.09, 74.39, 74.39A, or 71A.12 RCW. "Contracted provider" includes area agencies on aging and their subcontractors who provide case management.

((~~(b)~~)) (d) "Fingerprint-based background check" means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the federal bureau of investigation.

(e) "Home care agency provider" means a long-term care worker paid by a home care agency, as described in RCW 43.20A.710(1)(b).

(f) "Individual provider" has the same meaning as in RCW 74.39A.240.

(g) "Licensee" means a nonstate facility or setting that is licensed or certified, or has applied to be licensed or certified, by the department and includes the licensee and its employees.

(h) "Managing employer" has the same meaning as in RCW 74.39A.009.

(i) "Name and date of birth background check" means a search of Washington state criminal history and negative action records using the applicant's name and date of birth conducted by the department's background check central unit.

(j) "Nonautomatically disqualifying" means, when used in reference to a conviction, pending charge, or negative action, that the conviction, pending charge, or negative action is one other than a permanently disqualifying conviction, permanently disqualifying negative action, or a time-limited permanently disqualifying conviction or negative action after the defined amount of time has passed, as described in RCW 43.43.842 and 43.20A.710(5), and related department rules.

(k) "Review required result" means the result of a name and date of birth background check or fingerprint-based background check for an individual provider or a home care agency provider that requires the employer or an authorized entity to determine if a character, competence, and suitability review is necessary, based on subsection (6)(a) of this section, and related implementing rules adopted by the department.

Sec. 2. RCW 74.39A.056 and 2023 c 223 s 4 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and, based on this screening, inform employers, prospective employers, and others as authorized by law, whether screened applicants are ineligible for employment.

(b)(i) For long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of

these criminal background checks to the workers or their employers.

(ii) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

(c)(i) Individual providers and home care agency providers must complete a fingerprint-based background check required in this section, RCW 43.20A.710, and 43.43.837 only:

(A) Except as provided in (c)(ii) of this subsection, at the point of initial hire;

(B) As required by federal law;

(C) Before an individual provider starts providing new services for a new managing employer when the last fingerprint on the authorized entity's file for the individual provider is five years old or more and the new managing employer requests a fingerprint-based background check; and

(D) If there is a reasonable, good faith belief the employer or authorized entity needs to conduct a fingerprint-based background check, due to potential new findings in a fingerprint-based background check, as documented in writing by the employer.

(ii) Notwithstanding the requirement of (c)(i)(A) of this subsection, individual providers and home care agency providers may not be required to complete a fingerprint-based background check pursuant to (a) of this subsection, RCW 43.20A.710, and 43.43.837 at the point of initial hire if the individual provider or home care agency provider had been previously employed by the same employer and has not lived outside of Washington after the last fingerprint-based background check.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3)(a) A client who has elected to receive services from an individual provider must be notified of the results of a background check and of the client's right to request a copy of the background check's results under (b) of this subsection.

(b) When a background check produces a review required result, as defined in RCW 43.20A.715, the authorized entity must provide the client who is the managing employer of the individual provider with a copy of the background check results and the Washington state record of arrests and prosecutions, if requested by the client. The individual provider may choose to provide a copy of the federal bureau of investigation record of arrests and prosecutions to the client.

(4) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

((~~(4)~~))(5) For the purposes of this section((~~, "provider" means~~)):

(a) "Authorized entity" means a service provider, licensee, contractor, or other public or private agency that:

(i) Is required to conduct background checks; and

(ii) Is authorized to conduct background checks through the department's background check central unit.

(b) "Fingerprint-based background check" means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the federal bureau of investigation.

(c) "Home care agency provider" means a long-term care worker paid by a home care agency, as described in RCW 43.20A.710(1)(b).

(d) "Managing employer" has the same meaning as in RCW 74.39A.009.

(e) "Provider" means:

(i) An individual provider ((~~as defined in RCW 74.39A.240~~));

((~~(b)~~))(ii) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

((~~(c)~~))(iii) Any contractor of the department who may have unsupervised access to vulnerable adults.

((~~(5)~~))(6) The department shall adopt rules to implement this section."

Correct the title.

Representative McEntire moved the adoption of amendment (856) to the striking amendment (844):

On page 3, line 13 of the striking amendment, after "convictions" insert ", unless the conviction or negative action includes assault, coercion, extortion, forgery, identity theft, robbery, or theft, including theft from a vulnerable adult, regardless of the amount of time elapsed since the crime was committed"

On page 3, line 17 of the striking amendment, after "provider" insert ", unless the conviction or negative action includes assault, coercion, extortion, forgery, identity theft, robbery, or theft, including theft from a vulnerable adult, regardless of the amount of time elapsed since the crime was committed"

With the consent of the House, Representative McEntire withdrew amendment (856).

Representative Keaton moved the adoption of amendment (854) to the striking amendment (844):

On page 3, beginning on line 35 of the striking amendment, after "(b)" strike all material through "conducted" on page 4, line 11 and insert "Prior to the provision of any care services by an individual provider or home care agency provider during the 30-day temporary practice period established in (a) of this subsection, the parent or guardian of the minor, the vulnerable adult, or the guardian of the vulnerable adult must be:

(i) Notified in writing that the character, competence, and suitability review for the individual provider or home care agency provider has not been completed; and

(ii) Provided with an opportunity to decline the receipt of care services from the individual provider or home care agency provider and an explanation of the procedure for declining the receipt of care"

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

Amendment (854) to the striking amendment (844) was adopted.

Representative Keaton moved the adoption of amendment (852) to the striking amendment (844):

On page 4, after line 17 of the striking amendment, insert the following:

"(iii) If a parent or guardian of a minor or vulnerable adult chooses to allow an individual provider or a home care agency provider to continue providing care during a character, competence, and suitability review, the parent or guardian shall complete an informed consent form to attest that they are aware of and understand the purpose of a character, competence, and suitability review and the possible crimes that would trigger a character, competence, and suitability review and agree to continue to receive service."

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

Amendment (852) to the striking amendment (844) was adopted.

Representative Schmidt moved the adoption of amendment (853) to the striking amendment (844):

On page 6, beginning on line 11 of the striking amendment, after "(c)" strike all material through "check" on line 33 and insert "Individual providers and home care agency providers must complete a fingerprint-based background check required in this section, RCW 43.20A.710, and 43.43.837 only:

(i) At the point of initial hire;

(ii) As required by federal law;

(iii) Before an individual provider starts providing new services for a new managing employer when the last fingerprint on the authorized entity's file for the individual provider is five years old or more and the new managing employer requests a fingerprint-based background check; and

(iv) If there is a reasonable, good faith belief the employer or authorized entity needs to conduct a fingerprint-based background check, due to potential new findings in a fingerprint-based background check, as documented in writing by the employer"

Representatives Schmidt and Paul spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (853) to the striking amendment (844) was adopted.

Representative Ybarra moved the adoption of amendment (855) to the striking amendment (844):

On page 3, beginning on line 2 of the striking amendment, after "when" strike all material through "The" on line 3 and insert "the"

On page 3, beginning on line 9 of the striking amendment, after "review" strike all material through "agency provider" on line 17

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

Amendment (855) to the striking amendment (844) was adopted.

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

The striking amendment (844), 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 Farivar, Ybarra and Stuebe spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1395.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1395, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1

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

Voting Nay: Representatives Abbarno, Abell, Burnett, Caldier, Corry, Couture, Dufault, Dye, Engell, Griffey, Klicker, McClintock, McEntire, Mendoza, Orcutt, Rude, Schmick, Steele and Walsh

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1395, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1106, by Representatives Barnard, Leavitt, Eslick, Penner, Klicker, Richards, Shavers, Couture, McClintock, Callan, Marshall, Kloba, Nance and Simmons

Recognizing the tremendous sacrifices made by our military veterans by phasing down the disability rating requirements to ensure more disabled veterans are eligible for property tax relief.

The bill was read the second time.

Representative Barnard moved the adoption of amendment (304):

On page 2, line 26, after "(ii)" strike "(A)"

On page 2, at the beginning of line 29, strike "((~~(A)~~)) (I)" and insert "(A)"

On page 2, at the beginning of line 31, strike "((~~(B)~~)) (II)" and insert "(B)"

On page 2, beginning on line 33, strike all of subsection (B) and insert the following:

"(C)(I) For taxes levied for collection in calendar year 2026, the combined service-connected evaluation rating in (a)(ii)(A) of this subsection is 60 percent or higher;

(II) For taxes levied for collection in calendar year 2027, the combined service-connected evaluation rating in (a)(ii)(A) of this subsection is 40 percent or higher;

(III) For taxes levied for collection in calendar year 2028 and thereafter, the combined service-connected evaluation rating in (a)(ii)(A) of this subsection is 20 percent or higher."

Representative Ryu moved the adoption of amendment (346) to amendment (304):

On page 1, line 13 of the amendment, after "higher;" insert "and"

On page 1, line 14 of the amendment, after "2027" insert "and thereafter"

On page 1, beginning on line 16 of the amendment, after "higher" strike all material through "higher" on line 19

Representative Ryu spoke in favor of the adoption of the amendment to the amendment.

Amendment (346) to amendment (304) was adopted.

Representatives Barnard and Berg spoke in favor of the adoption of the amendment as amended.

Amendment (304), 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 Barnard and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1106.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1106, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

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, Eslick, 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: Representative Hackney

ENGROSSED HOUSE BILL NO. 1106, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1822, by Representatives Low, Stearns, Berry, Walen, Fosse, Ramel, Barkis, Salahuddin, Richards and Zahn

Establishing a driver work zone and first responder safety course requirement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1822 was substituted for House Bill No. 1822 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1822 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 Low and Fosse spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1822.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1822, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

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

Voting Nay: Representatives Abell, Chase and Engell

Excused: Representative Hackney

SUBSTITUTE HOUSE BILL NO. 1822, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Farivar, Macri, Reed, Simmons, Wylie, Pollet, Street, Ormsby, Scott, Salahuddin, Parshley and Hill

Concerning persons referred for competency evaluation and restoration services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1218 was substituted for House Bill No. 1218 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1218 was read the second time.

With the consent of the House, amendments (761) and (762) were withdrawn.

Representative Caldier moved the adoption of amendment (700):

On page 22, beginning on line 1, strike all of sections 7 through 13

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

On page 33, beginning on line 26, strike all of sections 15 and 16

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

With the consent of the House, Representative Caldier withdrew amendment (700).

Representative Farivar moved the adoption of the striking amendment (671):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that individuals referred for services related to competency to stand trial requiring admission into a psychiatric facility are experiencing significantly reduced wait times for competency services. In order to preserve these critical gains, for the benefit of the state and those individuals awaiting services, the legislature finds that implementing measures to reduce the continued growth of referrals to the competency system are necessary. The state's forensic bed capacity forecast model indicates that if the state continues to receive competency referrals from local superior, district, and municipal courts at the same volume, the state will again fall behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past several years, designed to both increase capacity to provide competency to stand trial services and to reduce the need for them by creating opportunities for diversion, prevention, and improved community health. New construction at western state hospital has resulted in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts expanded to allow for the discharge or transfer of over 50 civil conversion patients occupying forensic state hospital beds over the same period. Sixteen beds for civil conversion patients opened at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity opened in early 2024. The state also acquired a new facility in 2024, now known as Olympic Heritage behavioral health, which added to this historic rise in bed capacity in the state of Washington. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on the western state hospital campus between 2028 and 2029. Policy and budget changes have increased capacity for assisted outpatient treatment, 988 crisis response, use of medication for opioid use disorders in jails and community settings, reentry services, and mental health advance directives, and created new behavioral health facility types, supportive housing, and supportive employment services. Forensic navigator services, outpatient competency restoration programs, clinical intervention specialists and other specialty forensic services are now available and continuing to be deployed in phase one, two, and three Trueblood settlement regions.

The legislature further finds that these investments over a period of many years have made significant improvements in the wait times for competency services. Even so, there remains a need for everyone to come together to find solutions to both reduce demand for forensic services and shrink the number of individuals whose only access to behavioral health care is through the criminal justice system. Forensic services should be reserved only for those where the

state's interest is sufficient to justify the detention and greater efforts are needed to prevent or divert individuals with behavioral health needs from being unnecessarily incarcerated. The state needs collaboration from local governments and other entities to provide and develop services and supports to patients connected to the forensic system, to reduce the flow of competency referrals coming from municipal, district, and superior courts, and to improve availability and effectiveness of behavioral health services provided outside the criminal justice system.

Sec. 2. RCW 10.77.074 and 2023 c 453 s 5 are each amended to read as follows:

(1) Subject to the limitations described in subsection (2) of this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation for class B and class C felonies and all misdemeanors and shall appoint a forensic navigator in circumstances described under RCW 10.77.072. Class A felonies will not be referred to forensic navigators unless requested by a party to the proceedings or the court.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To gather collateral information regarding the presence of disabilities, injuries, or cognitive disorders, and other records when appropriate to help inform referrals for diversion or services;

(d) When able to meet with the individual, to gather accurate contact information for the individual, the individual's next of kin or legal guardian, and other relevant persons to facilitate timely contact if the individual is referred for services;

(e) To assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

((~~(d)~~)) (f) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, to facilitate that transition;

((~~(e)~~)) (g) To provide regular updates to the court and parties of the status of the individual's participation in diversion or outpatient services and be responsive to inquiries by the parties about treatment status;

((~~(f)~~)) (h) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Assessing the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW and coordinating the initiation of an assisted outpatient treatment order if appropriate;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

(ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

(x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

(xi) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager;

((~~(g)~~)) (i) For individuals who are found by the court to be not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury and diverted for services under RCW 10.77.202, to make a coordinated transition of the individual to appropriate case managers within the department;

(j) If the individual is an American Indian or Alaska Native who receives medical, behavioral health, housing, or other supportive services from a tribe within this state, to notify and coordinate with the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(4) Forensic navigators may submit recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and

weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

Sec. 3. RCW 10.77.084 and 2023 c 453 s 6 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(e) Beginning October 1, 2023, if the court issues an order directing revocation of the defendant's driver's license under (a) of this subsection, and the court subsequently finds that the defendant's competency has been restored, the court shall order the clerk to transmit an order to the department of licensing for reinstatement of the defendant's driver's license. The court may direct the clerk to transmit an order reinstating the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

(6) For defendants who are on personal recognizance who are waiting for competency restoration services, in a county with an outpatient competency restoration program

that has adequate space, the department shall provide a recommended services plan to the court and parties. Upon receipt of this recommended services plan, if restoration is still required, the court shall order outpatient competency restoration.

(7) If, after two attempts to schedule or admit a defendant on personal recognizance status to a department facility for competency evaluation or restoration, the department is not able to complete scheduling the admission or the defendant does not arrive at the scheduled time of the admission, the department shall submit a report to the court and parties and include a date and time for another admission which must be at least two weeks later. The court shall provide notice to the defendant of the date and time of the admission. If the defendant fails to appear at that admission, the court shall recall the order for competency evaluation or restoration and may issue a warrant for the failure to appear. The secretary may adopt rules and regulations necessary to implement this section.

Sec. 4. RCW 10.77.086 and 2024 c 290 s 3 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, if the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties.

(b) For a defendant who is determined to be incompetent and whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. The court shall dismiss the proceedings without prejudice upon agreement of the parties if the forensic navigator has found an appropriate and available diversion program willing to accept the defendant. If the parties do not agree that there is an appropriate diversion program available to accept the defendant:

(i) The court shall dismiss the proceedings without prejudice and order that the defendant be referred for evaluation for civil commitment under subsection (7) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days. The prosecutor shall provide notice of the objection and motion for an order of competency restoration treatment to the department.

(ii) The prosecuting attorney shall inquire into and make a full examination of all the facts and circumstances regarding whether there is a compelling state interest in pursuing competency restoration. This must include a review of any history that suggests the likelihood of success for competency restoration. Upon examination and prior to the hearing the prosecuting attorney shall file a statement regarding whether there is a compelling state interest in pursuing competency restoration. The statement must include relevant information related to the state's interest in continuing the prosecution of the charges including whether doing so serves the interests of justice.

(iii) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court must consider the statement of the prosecuting attorney and any history that suggests whether competency restoration treatment is likely to be successful. The court also may consider prior criminal history, prior history in treatment, prior history of violence, or the quality and severity of the pending charges, in addition to the factors listed under RCW 10.77.092. If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, or the court determines based on history that competency restoration is unlikely to be successful, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order for either outpatient or inpatient competency restoration in accordance with this section.

(iv) The court shall enter written findings of fact and conclusions of law at the conclusion of any hearing conducted under this subsection.

(2)(a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication; and

(ii) ((~~Abstain from alcohol and unprescribed drugs; and~~

~~(iii) Comply with urinalysis or breathalyzer monitoring if needed~~))Adhere to all rules and conditions of the identified outpatient competency restoration.

(b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(c) For a defendant ordered to inpatient competency restoration, the department shall promptly notify the court and parties whenever it appears the defendant's

condition is such that a transfer to outpatient competency restoration is appropriate. Any such notice to the court and parties shall provide pertinent information concerning the change in condition or the reasons supporting transfer to outpatient competency restoration. Upon receipt of this notice, the court shall schedule a hearing within 10 days to review the information provided by the department, conditions of release of the defendant, and anticipated release date from inpatient treatment. The court shall issue appropriate orders if it finds that the defendant's condition has so changed that they are a suitable candidate for outpatient competency restoration.

(d) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

((~~(d)~~)) (e) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ((~~(d)~~)) (e)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

((~~(e)~~)) (f) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(3) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days.

(4) When any defendant whose highest charge is a class C felony other than assault in the third degree under RCW 9A.36.031(1) (d) or (f), felony physical control of a vehicle under RCW 46.61.504(6), felony hit and run resulting in injury under RCW 46.52.020(4)(b), a hate crime offense under RCW 9A.36.080, a class C felony with a domestic violence designation, a class C felony sex offense as defined in RCW 9.94A.030, or a class C felony with a sexual motivation allegation is admitted for inpatient competency restoration with an accompanying court order for involuntary medication under RCW 10.77.092, and the defendant is found not competent to stand trial following that period of competency restoration, the court shall dismiss the charges pursuant to subsection (7) of this section.

(5) If the court determines or the parties agree before the initial competency

restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (7) of this section.

(6) On or before expiration of the initial competency restoration period the court shall conduct a hearing to determine whether the defendant is now competent to stand trial. If the court finds by a preponderance of the evidence that the defendant is incompetent to stand trial, the court may order an extension of the competency restoration period for an additional period of 90 days, but the court must at the same time set a date for a new hearing to determine the defendant's competency to stand trial before the expiration of this second restoration period. The defendant, the defendant's attorney, and the prosecutor have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period if the defendant is ineligible for a subsequent competency restoration period under subsection (4) of this section or the defendant's incompetence has been determined by the secretary to be solely the result of an intellectual or developmental disability, dementia, or traumatic brain injury which is such that competence is not reasonably likely to be regained during an extension.

(7)(a) Except as provided in (b) of this subsection, at the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period if the defendant is ineligible for a second or third competency restoration period under subsection (4) or (6) of this section, if the jury or court finds that the defendant is incompetent to stand trial, the court shall dismiss the charges without prejudice and order the defendant to be committed to the department for placement in a facility operated or contracted by the department or committed to the health care authority for placement in a facility operated or contracted by the health care authority for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. The commitment may be for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays((~~, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW~~)). If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

(b) The court shall not dismiss the charges if the defendant is eligible for a second or third competency restoration period under subsection (6) of this section and the court or jury finds that: (i) The defendant (A) is a substantial danger to other persons; or (B) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (ii) there is a substantial probability that the defendant will regain competency within a reasonable period of time. If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

(9) If at any time the court dismisses charges based on incompetency to stand trial under this section, the court shall issue an order prohibiting the defendant from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall notify the defendant orally and in writing that the defendant may not possess a firearm unless the defendant's right to do so is restored by the superior court that issued the order under RCW 9.41.047, and that the defendant must immediately surrender all firearms and any concealed pistol license to their local law enforcement agency.

Sec. 5. RCW 10.77.088 and 2024 c 290 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, the court shall first consider all available and appropriate alternatives to inpatient competency restoration. If the parties agree that there is an appropriate diversion program available to accept the defendant, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program. If the parties do not agree that there is an appropriate diversion program available to accept the defendant((~~, then the court~~)):

(a) ((~~Shall~~))The court shall dismiss the proceedings without prejudice and detain the defendant pursuant to subsection (6) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days. The prosecutor shall provide notice of the objection and motion for an order of competency restoration treatment to the department.

(b) The prosecuting attorney shall inquire into and make a full examination of all the facts and circumstances regarding whether there is a compelling state interest in pursuing competency restoration. This must include a review of any history that suggests the likelihood of success for competency restoration. Upon examination and

prior to the hearing the prosecuting attorney shall file a statement regarding whether there is a compelling state interest in pursuing competency restoration. The statement must include relevant information related to the state's interest in continuing the prosecution of the charges including whether doing so serves the interests of justice.

(c) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court must consider the statement of the prosecuting attorney and any history that suggests whether competency restoration treatment is likely to be successful. The court also may consider prior criminal history, prior history in treatment, prior history of violence, or the quality and severity of the pending charges, ((~~any history that suggests whether competency restoration treatment is likely to be successful,~~)) in addition to the factors listed under RCW 10.77.092. If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, or the court determines based on history that competency restoration is unlikely to be successful, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order in accordance with subsection (2) of this section.

(d) The court shall enter written findings of fact and conclusions of law at the conclusion of any hearing conducted under this subsection.

(2)(a) If a court finds pursuant to subsection (1)((~~(b)~~))(c) of this section that there is a compelling state interest in pursuing competency restoration treatment, the court shall order the defendant to receive outpatient competency restoration consistent with the recommendation of the forensic navigator, unless the court finds that an order for outpatient competency restoration is inappropriate considering the health and safety of the defendant and risks to public safety.

(b) To be eligible for an order for outpatient competency restoration, a defendant must be willing to:

(i) Adhere to medications or receive prescribed intramuscular medication; and

(ii) ((~~Abstain from alcohol and unprescribed drugs; and~~

~~(iii) Comply with urinalysis or breathalyzer monitoring if needed~~))Adhere to the rules and conditions of the identified outpatient competency restoration program.

(c) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under subsection (3) of this section.

(d) For a defendant ordered to inpatient competency restoration, the department shall promptly notify the court and parties whenever it appears the defendant's condition is such that a transfer to outpatient competency restoration is appropriate. Any such notice to the court and parties shall provide pertinent information concerning the change in condition or the reasons supporting transfer to outpatient competency restoration. Upon receipt of this notice, the court shall schedule a hearing within 10 days to review the information provided by the department, conditions of release of the defendant, and anticipated release date from inpatient treatment. The court shall issue appropriate orders if it finds that the defendant's condition has so changed that they are a suitable candidate for outpatient competency restoration.

(e) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management. The court may order regular urinalysis testing. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

((~~(c)~~))(f) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under ((~~(c)~~))(f)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into

emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the conditions of release of the defendant and anticipated release from treatment and issue appropriate orders.

((~~(f)~~))(g) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

((~~(g)~~))(h) If the court does not order the defendant to receive outpatient competency restoration under (a) of this subsection, the court shall commit the defendant to the department for placement in a facility operated or contracted by the department for inpatient competency restoration.

(3) The placement under subsection (2) of this section shall not exceed 29 days if the defendant is ordered to receive inpatient competency restoration, and shall not exceed 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, but the total period of inpatient competency restoration may not exceed 29 days.

(4) Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, the court may order the clerk to transmit an order to the department of licensing for revocation of the defendant's driver's license for a period of one year. The court shall direct the clerk to transmit an order to the department of licensing reinstating the defendant's driver's license if the defendant is subsequently restored to competency, and may do so at any time before the end of one year for good cause upon the petition of the defendant.

(5) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (6) of this section.

(6)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the 120-hour or 72-hour period.

(7) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

(8) If at any time the court dismisses charges under subsections (1) through (7) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the court shall issue an order prohibiting the defendant from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall notify the defendant orally and in writing that the defendant may not possess a firearm unless the defendant's right to do so is restored by the superior court that issued the order under RCW 9.41.047, and that the defendant must immediately surrender all firearms and any concealed pistol license to their local law enforcement agency.

(9) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 6. RCW 10.77.092 and 2023 c 453 s 11 are each amended to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.084 and for maintaining the level of restoration in the jail following the restoration period, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(c) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any offense listed as domestic violence in RCW 10.99.020;

(e) Any offense listed as a harassment offense in chapter 9A.46 RCW, except for criminal trespass in the first or second degree;

(f) Any violation of chapter 69.50 RCW that is a class B felony; or

(g) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Any time a petition is filed seeking a court order authorizing the involuntary medication for purposes of competency restoration pursuant to RCW 10.77.084, the petition must also seek authorization to continue involuntary medication for purposes of maintaining the level of restoration in the jail or juvenile detention facility following the restoration period.

(3)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

(4) For a defendant ordered to inpatient competency restoration, the department shall promptly notify the court and parties whenever it appears the defendant's condition and amenability to treatment are such that an order for involuntary medication is necessary. Any such notice to the court and parties shall provide pertinent information concerning the applicable criteria under *Sell v. United States*, 539 U.S. 166, 123 S.Ct. 2174, 156 L.Ed.2d 197 (2003). Upon receipt of this notice, the court shall schedule a hearing within 10 days to consider an order for involuntary medication.

(5) For any hearing pertaining to involuntary medication, the parties, the witnesses, the interpreters, and the presiding judicial officer shall be present and participate by video. The term "video," as used in this section, includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require some or all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

Sec. 7. RCW 43.84.092 and 2024 c 210 s 4 and 2024 c 168 s 12 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall

occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, behavioral health diversion fund, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the family medicine workforce development account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the higher education retirement plan supplemental benefit fund, the Washington student loan account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 5 bridge replacement project account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the reserve officers' relief and pension principal fund, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the second injury fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the

teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tribal opioid prevention and treatment account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 43.84.092 and 2024 c 210 s 5 and 2024 c 168 s 13 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, <u>behavioral health diversion fund,</u> the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative

account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the family medicine workforce development account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the higher education retirement plan supplemental benefit fund, the Washington student loan account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 5 bridge replacement project account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the reserve officers' relief and pension principal fund, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the second injury fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tribal opioid prevention and treatment account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or

account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall establish an incentive program to manage inpatient competency orders under this chapter.

(2)(a) The department shall establish an incentive level of referrals for each city and county that refers individuals for inpatient competency services by utilizing the average number of inpatient competency orders referred to the department from any court within a city's or county's jurisdiction in fiscal years 2018 and 2019. For any city or county with an average of less than two inpatient competency orders in fiscal years 2018 and 2019, the incentive level shall be set at one individual.

(b) The department shall establish a baseline level of referrals for each city and county that refers individuals for inpatient competency services by utilizing the average number of inpatient competency orders referred to the department from any court within a city's or county's jurisdiction in fiscal years 2024 and 2025. For any city or county with an average of less than two inpatient competency orders in fiscal years 2024 and 2025, the baseline level shall be set at one.

(3) Any city or county that reduces its total annual inpatient competency referrals below the incentive level established by the department, or that reduces its overall orders for any competency service by at least 40 percent for a given fiscal year, shall be eligible to request an appropriation from the behavioral health diversion fund created in section 10 of this act. Any funds appropriated to a city or county from the behavioral health diversion fund must be used toward services or supports that either prevent individuals with behavioral health needs from entering the criminal justice system or divert them away from the criminal justice system once incarcerated. Cities and counties that have an average incentive level of less than five individuals may apply based on a 50 percent or greater reduction in their total number of inpatient competency orders.

(4) Commencing January 1, 2026, the department shall provide notice on a quarterly basis to the superior, district, and municipal courts and relevant agencies of each city and county including, but not limited to, the city or county administrator, behavioral health department, sheriff or police chief, public defender, and prosecuting authority of the total number of inpatient competency orders made in the city or county for the current fiscal year compared to the incentive level for the city or county.

NEW SECTION. **Sec. 10.** A new section is added to chapter 10.77 RCW to read as follows:

The behavioral health diversion fund is hereby created in the state treasury. The fund shall consist of funds appropriated by the legislature. Moneys in the fund may be spent only after appropriation. Expenditures from the fund may only be used for services or supports that either prevent individuals with behavioral health needs from entering the criminal justice system or that diverts them away from the criminal justice system once incarcerated.

NEW SECTION. **Sec. 11.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall adopt rules necessary for implementation of the incentive program for inpatient competency services established under section 9 of this act.

NEW SECTION. **Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) For purposes of this section, "behavioral health diversion" means adult jail diversion, whereby a person who has a behavioral health need may still have involvement with the criminal justice system but spends little to no time in a jail facility and is instead connected to community-based treatment and support services either with or without court involvement or correctional supervision.

(2)(a) For purposes of this section, "behavioral health diversion plan" means a plan or strategy to ensure the availability and utilization of community-based treatment and support services designed to reduce or eliminate the amount of time persons with behavioral health needs spend in a jail facility. The plan must include, but is not limited to:

(i) Specific measures to reduce the number of individuals with behavioral health needs whose highest charge is up to a class C felony from entering or remaining in the criminal justice system;

(ii) Specific measures to increase diversion of individuals with behavioral health needs whose highest charge is up to a class C felony away from the competency system;

(iii) Specific measures to identify individuals for whom a court has made multiple prior findings of nonrestorability, and strategies to prevent future competency evaluation or restoration orders and instead utilize diversion options for these individuals;

(iv) Strategies to reduce recidivism for individuals with behavioral health needs who are likely to be referred for a competency service within the next six months based on history of prior referrals, prior inpatient psychiatric treatment episodes, criminal justice system involvement, or homelessness;

(v) A strategic plan to create programming, services, and supports, including housing supports, along each intercept in the sequential intercept model for the county. The plan must include strategies to address housing and case management for people with significant behavioral health needs who have or are at risk of having involvement with the criminal justice system;

(vi) A communications and collaboration plan that will incorporate key stakeholders into the development of the behavioral health diversion plan. This may include the development of a steering committee or task force. Key stakeholders for this purpose must include people with lived experience, participants representing prosecuting attorneys, defense attorneys, and judicial officers in superior court, district court, and municipal court, an individual with housing and homelessness expertise, the behavioral health administrative service organization for the county, behavioral health providers, and tribes.

(b) The department may provide technical assistance and data to counties developing behavioral health diversion plans.

NEW SECTION. **Sec. 13.** Section 7 of this act expires July 1, 2028.

NEW SECTION. **Sec. 14.** Section 8 of this act takes effect July 1, 2028.

NEW SECTION. **Sec. 15.** 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.

Representative Walsh moved the adoption of amendment (763) to the striking amendment (671):

On page 14, beginning on line 14 of the striking amendment, after "defendant" strike all material through "treatment, the" on page 15, line 18 and insert "then the court((~~:~~

~~(a) Shall dismiss the proceedings without prejudice and detain the defendant pursuant to subsection (6) of this section, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days.~~

~~(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the defendant is subject to an order under chapter 71.05 RCW or proceedings under chapter 71.05 RCW have been initiated, there is a rebuttable presumption that there is no compelling state interest in ordering competency restoration treatment. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court~~)) shall issue an order in accordance with subsection (2) of this section.

(2)(a) ((~~If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, the~~)) The"

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

Representative Farivar spoke against the adoption of the amendment to the striking amendment.

Amendment (763) to the striking amendment (671) was not adopted.

Representative Walsh moved the adoption of amendment (760) to the striking amendment (671):

On page 5, beginning on line 12 of the striking amendment, strike all of section 3

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

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

Amendment (760) to the striking amendment (671) was adopted.

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

The striking amendment (671), 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.

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1218.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1

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

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Davis, Dent,

Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walen, Walsh and Waters

Excused: Representative Hackney

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1946, by Representatives Hill, Lekanoff, Reed, Parshley, Pollet, Obras, Nance, Ormsby and Macri

Clarifying tribal membership on local boards of health.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1946 was substituted for House Bill No. 1946 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1946 was read the second time.

With the consent of the House, amendment (816) was withdrawn.

Representative Parshley moved the adoption of the striking amendment (236):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.05.030 and 2024 c 37 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, for counties without a home rule charter, the board of county commissioners and the members selected under (a) and (e) of this subsection, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. For counties without a home rule charter where the board of county commissioners is comprised of five commissioners, the board of county commissioners may adopt an ordinance reducing the number of county commissioners that are members of the local board of health, provided that the board of health includes at least one county commissioner. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under RCW 43.20.300:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced practice registered ((~~nurse practitioners~~))nurses;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if an urban Indian organization recognized by the Indian health service and registered as a 501(c)(3) organization ((~~registered~~)) in Washington that serves American Indian and Alaska Native people

((~~and~~)) provides services within the county, the board of health must ((~~include~~))allow a tribal representative ((~~selected by~~))from each tribe and each organization, as selected by such tribe or organization, to serve as a member and must notify the American Indian health commission.

(f) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected or included under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health. If a member is added under (e) of this subsection, the board of county commissioners shall modify the membership of the board:

(i) In compliance with timelines established by the state board of health in rule once such rules are in effect; and

(ii) Until the rules in (j)(i) of this subsection are in effect, within 60 days of receipt of notice of the selection of a tribal representative.

(k) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in RCW 70.46.140 for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 2. RCW 70.05.035 and 2021 c 205 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, for home rule charter counties, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under RCW 43.20.300:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced practice registered ((~~nurse practitioners~~))nurses;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or

two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if an urban Indian organization recognized by the Indian health service and registered as a 501(c)(3) organization ((~~registered~~)) in Washington that serves American Indian and Alaska Native people ((~~and~~)) provides services within the county, the board of health must ((~~include~~))allow a tribal representative ((~~selected by~~))from each tribe and each organization, as selected by such tribe or organization, to serve as a member and must notify the American Indian health commission.

(f) The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected or included under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health. If a member is added under (e) of this subsection, the county legislative authority shall modify the membership of the board:

(i) In compliance with timelines established by the state board of health in rule once such rules are in effect; and

(ii) Until the rules in (j)(i) of this subsection are in effect, within 60 days of receipt of notice of the selection of a tribal representative.

(k) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in RCW 70.46.140 for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 3. RCW 70.46.020 and 2021 c 205 s 5 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under (a) and (e) of this subsection, and shall have a jurisdiction coextensive with the combined boundaries.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under RCW 43.20.300:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced practice registered ((~~nurse practitioners~~))nurses;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and

underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) Active, reserve, or retired armed services members;

(C) The business community; or

(D) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if an urban Indian organization recognized by the Indian health service and registered as a 501(c)(3) organization ((~~registered~~)) in Washington that serves American Indian and Alaska Native people ((~~and~~)) provides services within the health district, the board of health must ((~~include~~))allow a tribal representative ((~~selected by~~))from each tribe and each organization, as selected by such tribe or organization, to serve as a member and must notify the American Indian health commission.

(f) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(i) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(j) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(k) The number of members selected or included under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health. If a member is added under (e) of this subsection, the boards of county commissioners shall modify the membership of the district:

(i) In compliance with timelines established by the state board of health in rule once such rules are in effect; and

(ii) Until the rules in (k)(i) of this subsection are in effect, within 60 days of receipt of notice of the selection of a tribal representative.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must meet the requirements established in RCW 70.46.140 for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

(3) A local board of health comprised solely of elected officials and made up of three counties east of the Cascade mountains may retain their current composition if the local health jurisdiction has a public health advisory committee or board that meets the requirements established in RCW 70.46.140 for community health advisory boards by July 1, 2022. If such a local board of health does not establish the required community health advisory board by July 1, 2022, it must comply with the requirements of subsection (1) of this section. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

Sec. 4. RCW 70.46.031 and 2021 c 205 s 6 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter. The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. In addition to the membership of the district health board determined through resolution or ordinance, the district health

board must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under RCW 43.20.300:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced practice registered ((~~nurse practitioners~~))nurses;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if an urban Indian organization recognized by the Indian health service and registered as a 501(c)(3) organization ((~~registered~~)) in Washington that serves American Indian and Alaska Native people ((~~and~~)) provides services within the county, the board of health must ((~~include~~))allow a tribal representative ((~~selected by~~))from each tribe and each organization, as selected by such tribe or organization, to serve as a member and must notify the American Indian health commission.

(f) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the resolution or ordinance. The same official designated under the provisions of the resolution or ordinance may appoint an administrative officer, as described in RCW 70.05.045.

(j) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(k) The number of members selected or included under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health. If a member is added under (e) of this subsection, the county legislative authority shall modify the membership of the district:

(i) In compliance with timelines established by the state board of health in rule once such rules are in effect; and

(ii) Until the rules in (k)(i) of this subsection are in effect, within 60 days of receipt of notice of the selection of a tribal representative.

(l) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

(2) A local board of health comprised solely of elected officials may retain this composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the

public health advisory committee or board must meet the requirements established in RCW 70.46.140 for community health advisory boards. Any future changes to local board of health composition must meet the requirements of subsection (1) of this section.

NEW SECTION. **Sec. 5.** The state board of health shall adopt rules establishing timelines for modifying the membership of a local board of health as required by sections 1 through 4 of this act, which must go into effect no later than one year after the effective date of this section."

Correct the title.

Representative Hill moved the adoption of amendment (892) to the striking amendment (236):

On page 3, beginning on line 1 of the striking amendment, after "reservation" strike all material through "county," on line 2 and insert "((~~,~~)) or trust lands, ((~~or has usual and accustomed areas within the county,~~))"

On page 5, beginning on line 36 of the striking amendment, after "reservation" strike all material through "county," on line 37 and insert "((~~,~~)) or trust lands, ((~~or has usual and accustomed areas within the county,~~))"

On page 8, beginning on line 36 of the striking amendment, after "reservation" strike all material through "district," on line 38 and insert "((~~,~~)) or trust lands, ((~~or has usual and accustomed areas within the health district,~~))"

On page 12, beginning on line 6 of the striking amendment, after "reservation" strike all material through "county," on line 7 and insert "((~~,~~)) or trust lands, ((~~or has usual and accustomed areas within the county,~~))"

Representative Hill spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (892) to the striking amendment (236) was adopted.

Representative Griffey moved the adoption of amendment (862) to the striking amendment (236):

On page 3, line 7 of the striking amendment, after "((~~include~~))" strike "allow" and insert "invite"

On page 3, line 8 of the striking amendment, after "and" insert "allow a representative from"

On page 3, line 10 of the striking amendment, after "commission." insert "If a tribe declines an invitation to serve as a member under this subsection, it may later elect to participate and select a tribal representative to serve as a member as provided in this section."

On page 6, line 2 of the striking amendment, after "((~~include~~))" strike "allow" and insert "invite"

On page 6, line 3 of the striking amendment, after "and" insert "allow a representative from"

On page 6, line 5 of the striking amendment, after "commission." insert "If a tribe declines an invitation to serve as a member under this subsection, it may later elect to participate and select a tribal representative to serve as a member as provided in this section."

On page 9, line 2 of the striking amendment, after "((~~include~~))" strike "allow" and insert "invite"

On page 9, line 3 of the striking amendment, after "and" insert "allow a representative from"

On page 9, line 5 of the striking amendment, after "commission." insert "If a tribe declines an invitation to serve as a member under this subsection, it may later elect to participate and select a tribal representative to serve as a member as provided in this section."

On page 12, line 12 of the striking amendment, after "((~~include~~))" strike "allow" and insert "invite"

On page 12, line 13 of the striking amendment, after "and" insert "allow a representative from"

On page 12, line 15 of the striking amendment, after "commission." insert "If a tribe declines an invitation to serve as a member under this subsection, it may later elect to participate and select a tribal representative to serve as a member as provided in this section."

Representative Griffey spoke in favor of the adoption of the amendment to the striking amendment.

Representative Parshley spoke against the adoption of the amendment to the striking amendment.

Amendment (862) to the striking amendment (236) was not adopted.

Representative Klicker moved the adoption of amendment (860) to the striking amendment (236):

On page 4, after line 3 of the striking amendment, insert the following:
"(m) A tribal representative's absence from a meeting may not prevent quorum or impair the right of the present board members to exercise any power or perform any duty of the board."

On page 6, after line 35 of the striking amendment, insert the following:
"(m) A tribal representative's absence from a meeting may not prevent quorum or impair the right of the present board members to exercise any power or perform any duty of the board."

On page 9, after line 36 of the striking amendment, insert the following:

"(m) A tribal representative's absence from a meeting may not prevent quorum or impair the right of the present board members to exercise any power or perform any duty of the district."

On page 13, after line 6 of the striking amendment, insert the following:

"(m) A tribal representative's absence from a meeting may not prevent quorum or impair the right of the present board members to exercise any power or perform any duty of the district."

Representative Klicker spoke in favor of the adoption of the amendment to the striking amendment.

Representative Parshley spoke against the adoption of the amendment to the striking amendment.

Amendment (860) to the striking amendment (236) was not adopted.

Representatives Parshley and Klicker spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (236), 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.

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

Representatives Klicker and Abell spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1946.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1946, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1

Voting Yea: Representatives Barkis, Berg, Bergquist, Bernbaum, Berry, Bronoske, Caldier, Callan, Connors, 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, Barnard, Burnett, Chase, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, 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: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1946, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1094, by Representatives Walen, Ryu, Shavers, Lekanoff, Reeves and Donaghy

Providing a property tax exemption for property owned by a qualifying nonprofit organization and loaned, leased, or rented to and used by any government entity to provide character-building, benevolent, protective, or rehabilitative social services.

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.

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of House Bill No. 1094.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1094, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

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, Eslick, 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: Representative Hackney

HOUSE BILL NO. 1094, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1219, by Representatives Taylor, Farivar and Simmons

Concerning the interbranch advisory committee.

The bill was read the second time.

Representative Taylor moved the adoption of amendment (023):

On page 1, after line 16, insert the following:

"Sec. 2. RCW 2.76.010 and 2022 c 284 s 1 are each amended to read as follows:

There is created an interbranch advisory committee consisting of the following members:

(1) Two legislative members, one from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other member shall be a member of a committee having jurisdiction over the state operating budget;

(2) Two legislative members, one from each of the two largest caucuses of the senate, appointed by the president of the senate. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other

member shall be a member of a committee having jurisdiction over the state operating budget;

(3) One person representing the governor's office, appointed by the governor;

(4) One person representing the attorney general's office, appointed by the attorney general;

(5) One person representing cities, appointed by the association of Washington cities;

(6) One person who is an elected county councilmember representing counties, appointed by the Washington state association of counties;

(7) One person representing court clerks, appointed by the Washington state association of county clerks;

(8) ((~~Eight~~)) Nine members from the judicial branch, appointed by the chief justice in consultation with the board of judicial administration, supreme court, court of appeals, superior court judges association, association of Washington superior court administrators, Washington association of juvenile court administrators, district and municipal court judges association, district and municipal court management association, administrative office of the courts, and access to justice board; and

(9) One person representing the office of public defense and one person representing the office of civil legal aid, who shall serve as nonvoting members. Nonvoting members must be consulted by the interbranch advisory committee as needed."

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

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

Amendment (023) 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.

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

Representative Waters spoke against the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1219.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1219, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

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, Eslick, 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: Representative Hackney

ENGROSSED HOUSE BILL NO. 1219, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1414, by Representatives Connors, Paul, Rude, Springer, Couture, Keaton, McClintock, Penner, Davis, Tharinger, Shavers and Timmons

Improving access to career opportunities for students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1414 was substituted for House Bill No. 1414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1414 was read the second time.

Representative Paul moved the adoption of amendment (778):

On page 3, line 23, after "instruction." insert "Meetings of the task force must be held remotely by teleconference or videoconference."

Representatives Paul and Connors spoke in favor of the adoption of the amendment.

Amendment (778) 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 Connors, Shavers and Keaton spoke in favor of the passage of the bill.

The Speaker (Representative Stearns presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1414.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1414, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

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, Eslick, 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: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1572, by Representatives Pollet, Entenman, Reed and Nance

Modifying higher education accreditation standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1572 was substituted for House Bill No. 1572 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1572 was read the second time.

Representative Pollet moved the adoption of amendment (858):

On page 2, beginning on line 5, after "transparency" strike all material through "standards" on line 10

Representatives Pollet and Ybarra spoke in favor of the adoption of the amendment.

Amendment (858) 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 Pollet and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1572.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, 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

Voting Nay: Representatives Chase and McClintock

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1650, by Representatives Dent, Fey, Barkis, Bronoske, Eslick, Zahn and Graham

Concerning the addition of airport capital projects as an allowable use of local real estate excise tax revenues.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1650 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 Dent, Berg and Keaton spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1650.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1650, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

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, Dye, Engell, Entenman, Eslick, 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

Voting Nay: Representative Dufault

Excused: Representative Hackney

SUBSTITUTE HOUSE BILL NO. 1650, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1837, by Representatives Reed, Doglio, Leavitt, Berry, Parshley, Farivar, Taylor, Ramel, Fitzgibbon, Zahn, Thomas, Macri, Bronoske, Barkis, Scott, Pollet and Nance

Establishing intercity passenger rail improvement priorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1837 was substituted for House Bill No. 1837 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1837 was read the second time.

Representative Reed moved the adoption of amendment (680):

On page 2, beginning on line 1, after "the" strike all material through "2035:" on line 2 and insert "target goals in this subsection for the Amtrak Cascades service, with a goal of meeting them by 2035. The legislature recognizes that voluntary investments by the government of Canada,

crown corporations, provincial entities, and Oregon state entities, will be required to achieve these target goals outside of Washington state borders."

On page 2, beginning on line 9, after "two" strike all material through "hour" on line 10 and insert "hour and 45 minute trip times between Seattle and Portland and three hour and 20 minute"

On page 2, at the beginning of line 20, strike "accordance with chapter 70A.45 RCW" and insert "alignment with state goals"

Representatives Reed and Barkis spoke in favor of the adoption of the amendment.

Amendment (680) 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 Reed and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1837.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1837, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1

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

Voting Nay: Representatives Abbarno, Abell, Burnett, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1837, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1857, by Representatives Ley, Doglio, Dye and Parshley

Concerning asbestos-containing building materials.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1857 was substituted for House Bill No. 1857 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1857 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 Ley and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Timmons presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1857.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1857, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

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, Eslick, 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, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives Pollet and Stonier

Excused: Representative Hackney

SUBSTITUTE HOUSE BILL NO. 1857, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

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

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

SECOND READING

HOUSE BILL NO. 1296, by Representatives Stonier, Macri, Lekanoff, Doglio, Berry, Salahuddin, Davis, Ramel, Obras, Reed, Ormsby, Scott, Nance, Bergquist, Fitzgibbon, Parshley, Alvarado, Kloba, Pollet, Peterson, Fey, Simmons, Hill and Fosse

Promoting a safe and supportive public education system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1296 was substituted for House Bill No. 1296 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1296 was read the second time.

The Speaker assumed the chair.

The following amendments have been ruled out of order: (362), (364), (366), (360), (357), (452), (418), (466), (419), (456), (401), (455), (416), (394), (414), (412), (411), (397), (413), (395), (449), (402), (457), (421), (487), (489), (486), (453), (485), (484), (483), (482), (481), (476), (403), (445), (477), (363), (451), (447), (417), (359) and (491).

With the consent of the House, amendments (468), (469), (470), (488), (474), (463), (467), (461), (464), (475), (353), (374), (430), (426), (424), (415), (423), (400), (465), (478), (473), (378), (379), (407), (406), (398), (409), (370), (438), (427), (431), (432), (433), (434), (425), (399), (422), (376), (479), (372), (388) and (443) were withdrawn.

Representative Couture moved the adoption of amendment (393):

On page 9, beginning on line 22, after "(b)" strike all material through "(i)" on line 30 and insert "(i) ((~~To inspect~~)) Inspect their child's public school records in accordance with RCW 28A.605.030, and to receive a copy of their child's records within 10 business days of submitting a written request, either electronically or on paper.

(ii)"

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

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

MOTIONS

On motion of Representative Griffey, Representative Dent was excused.

On motion of Representative Ramel, Representatives Fey and Rule were excused.

Amendment (393) was adopted.

Representative Couture moved the adoption of amendment (472):

On page 11, beginning on line 21, after "~~To~~" strike all material through "under" on line 31 and insert "~~receive~~));

(f) Receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family ((~~in accordance with chapter~~)) or as otherwise prohibited in"

Representatives Couture, Marshall and Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (472) was not adopted.

Representative Stonier moved the adoption of the striking amendment (204):

Strike everything after the enacting clause and insert the following:

"PART ONE
PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, AND PRIVACY

NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) It is the policy of the state of Washington that policies and procedures adopted by school districts under this title must prioritize the protection of every student's safety, access to a free public education, and privacy, to the fullest extent possible, except as required by state or federal law. This policy serves as a supplement to school district policies and procedures established under this title, both before and after the effective date of this section, and must be considered an integral part of those policies and procedures.

(2) The office of the superintendent of public instruction shall develop technical assistance and related materials to assist school districts with the implementation of subsection (1) of this section. The assistance and related materials must include a summary of: The privacy rights of minors; and the licensure or other professional requirements for school district employment classifications, if any, related to protecting student privacy.

(3) The office of the superintendent of public instruction shall enforce and obtain compliance with subsection (1) of this section by appropriate order made under chapter 34.05 RCW. Example sanctions that may be included on the order are as follows: Termination or withholding of all or part of state apportionment or categorical moneys to the offending school district, termination of specified programs in which violations may be flagrant within the offending school district, institution of corrective action, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved.

(4)(a) Prior to taking enforcement action under subsection (3) of this section, the office of the superintendent of public instruction shall provide the school district with a first notice stating its determination of noncompliance and identifying corrective actions and a timeline that the school district may take to comply with subsection (1) of this section. If the school district fails to comply with the first notice within the prescribed time period, the superintendent of public instruction shall provide the school district with a second notice stating that failure to comply with corrective actions to obtain compliance with subsection (1) of this section may result in sanctions. If, after the second notice, the school district fails to comply, the superintendent of public instruction may enforce sanctions against the school district until compliance with subsection (1) of this section is achieved;

(b) At any point while obtaining compliance, and if requested by the school district, the office of the superintendent of public instruction must provide assistance and recommendations for the purpose of supporting a school district's compliance with subsection (1) of this section.

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

(6) The office of the superintendent of public instruction shall adopt rules as necessary to implement this section.

Sec. 102. RCW 28A.642.080 and 2023 c 242 s 5 are each amended to read as follows:

(1)(a) By January 31, ((~~2020~~))2026, each school district must adopt or amend if necessary policies and procedures that, at a minimum((~~, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section~~)): Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in public schools on the basis of gender expression and gender identity; address the unique challenges and needs faced by transgender students and gender-expansive students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying required under RCW 28A.600.477 to transgender students and gender-expansive students.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in RCW 28A.300.286.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to ((~~transgender students~~))gender inclusive schools that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to ((~~transgender students~~))gender inclusive schools that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students and gender-expansive students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to ((~~transgender students~~))gender inclusive schools that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding school district compliance with nondiscrimination laws under RCW 28A.300.286.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to ((~~transgender students~~))gender inclusive schools that meet the requirements of subsection (1)(a) of this section.

(3)(a) ((~~By September 1, 2019, and periodically thereafter, the~~))The Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and periodically update a model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools that meets the requirements in subsection (1)(a) of this section.

(b) ((~~The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.~~

~~(c)~~)) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure relating to gender inclusive schools on each agency's website at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training materials((~~available to all school staff~~)) based on the model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter. The online training materials must be available to all school staff.

(b) The online training materials must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to ((~~transgender students~~))gender inclusive schools.

(c) The online training materials must ((~~include~~))also: Include best practices for policy and procedure implementation and cultural change that are guided by school district experiences; and be periodically revised as necessary.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training materials.

Sec. 103. RCW 28A.642.020 and 2024 c 316 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall develop and periodically revise rules and guidelines to ((~~eliminate~~)): Eliminate discrimination prohibited in RCW 28A.642.010 and 28A.320.233 as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks, instructional materials, and supplemental instructional materials, and student access to those materials; and ensure compliance with the requirements of RCW 28A.642.080. The adoption of rules to ensure compliance with the requirements of RCW 28A.642.080 must be completed by December 31, 2025.

(2) For the purposes of this section, "supplemental instructional materials" has the same meaning as in RCW 28A.320.235.

PART TWO
THE STATEMENT OF STUDENT RIGHTS

NEW SECTION. **Sec. 201.** (1) The legislature finds that public education is a cornerstone of a healthy, diverse, and productive society.

(2) Article IX of the Washington Constitution requires the state to make ample provision for the education of all children residing within its borders. This requirement recognizes that public schools are foundational to our democracy, working in partnership with families and communities to shape the next generation of leaders into respectful and engaged critical thinkers, resulting in economic prosperity and innovation for the state and its residents.

(3) In recognition of the role that public education can play in providing students with information about their rights and about how to employ their rights for the betterment of education and society, the legislature intends to require each school district, charter school, and state-tribal education compact school to develop student-focused educational and promotional materials, for communication and classroom use, that incorporate the statement of student rights established in section 202 of this act.

NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Each school district, charter school, and state-tribal education compact school shall develop student-focused educational and promotional materials that incorporate the statement of student rights provided by this section. A link to the materials must be made available on school district, charter school, and state-tribal compact school websites, social media platforms, and other communication channels used by students. The materials must also be incorporated into civics education curricula provided to students in accordance with RCW 28A.230.094.

(b) The office of the superintendent of public instruction shall make the statement of student rights available on its website and is encouraged to include the statement in materials provided under RCW 28A.230.150.

(2) The statement of student rights is as follows:

(a)(i) Public school students are subject to the Declaration of Independence and the United States Constitution, and its privileges and protections, including:

(A) The free exercise of religion;

(B) The freedom of speech;

(C) The right to peaceably assemble;

(D) The right to petition the government for a redress of grievances;

(E) The freedom from unreasonable searches and seizures;

(F) The right to a due process of law;

(G) The right to equal protection of the laws; and

(H) The right to life, liberty, and the pursuit of happiness.

(ii) Public school students are subject to numerous privileges and protections derived from federal statutes, examples of which include:

(A) The right to be free from discrimination with regard to accessing education programs and activities offered by a recipient of federal financial assistance;

(B) The right of students with qualifying disabilities to receive special education and related services that address their individual needs; and

(C) The right of students with disabilities to be free from discrimination with regard to accessing education programs and facilities.

(b)(i) Public school students are subject to the state Constitution and its privileges and protections, including:

(A) The right of petition and peaceable assemblage;

(B) The freedom to speak, write, and publish on all subjects;

(C) The right to not be disturbed in private affairs without authority of law;

(D) The right to absolute freedom of conscience in all matters of religious sentiment, belief, and worship;

(E) The right to attend public schools that are funded in a manner that is consistent with the state's paramount duty of making ample provision for the education of all children residing within its borders;

(F) The right to have schools that are maintained wholly or partially by public funds free from sectarian control or influence;

(G) The right for minors to receive an education while residing in a criminal justice facility;

(H) The right of qualified persons to utilize education facilities and services established and funded for the benefit of persons who are deaf, blind, or both; and

(I) The right of qualified persons to vote at all elections, including elections for school directors, members of the legislature, and the superintendent of public instruction.

(ii) Public school students are subject to numerous privileges and protections derived from state statutes, examples of which include:

(A) The right to access, without tuition, a school district's kindergarten through

12th grade basic education program for students of qualifying age;

(B) The right to a basic education that provides students with opportunities to develop the knowledge and skills necessary to meet state-established graduation requirements, which are intended to provide students with the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship;

(C) Due process rights related to disciplinary measures and education access; and

(D) The right to access a learning environment with historically and scientifically accurate information that includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups as provided in RCW 28A.345.130, and provides students with an appreciation for the contributions and perspectives of diverse, global cultures.

(3) The rights identified in this section are not intended to be a comprehensive delineation of student rights or the manner in which they are derived, nor is this section intended to have any application to rights established in other titles or in other provisions of state and federal law.

(4) For purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec. 203.** Sections 201 and 202 of this act may be known and cited as the statement of student rights act.

PART THREE
RIGHTS OF PARENTS AND LEGAL GUARDIANS

Sec. 301. RCW 28A.605.005 and 2024 c 4 s 1 are each amended to read as follows:

(1) The legislature finds that: (a) Parents are the primary stakeholders in their children's upbringing; (b) parental involvement is a significant factor in increasing student achievement; and (c) access to student information encourages greater parental involvement.

(2) Parents and legal guardians of ((~~public school children younger than 18 years old have all of~~))children enrolled in public schools as defined in RCW 28A.150.010 have the following rights:

(a) To access their child's classroom and school-sponsored activities to observe in accordance with RCW 28A.605.020 and to examine the curriculum, textbooks, ((~~curriculum~~))instructional materials, and supplemental ((~~material~~))instructional materials used in their child's classroom in accordance with policies and procedures;

(b)(i) To inspect and review their child's ((~~public school~~))education records ((~~in accordance with RCW 28A.605.030,~~)) and to request and receive a copy of their child's education records within ((~~10 business days of submitting a written request, either electronically or on paper~~))a reasonable period of time, but not more than 45 days, of submitting a request in accordance with the federal family educational rights and privacy act of 1974, Title 20 U.S.C. Sec. 1232g, as in effect on January 1, 2025, and RCW 28A.605.030.

(ii) Parents ((~~or~~))and legal guardians ((~~must~~))choosing to inspect and review their child's education records may not be required by a public school to appear in person for the purposes of requesting or validating a request for their child's ((~~public school~~))education records, provided the public school can ascertain the identity of the requestor.

(iii) No charge may be imposed on a parent or legal guardian to ((~~receive such records electronically~~))inspect or review their child's education records or for the costs of searching for or retrieving the education records. Any charges for a ((~~paper~~)) copy of such records must be reasonable ((~~and~~)), not prevent a parent, legal guardian, or eligible child from exercising the right to inspect and review the child's education records, and be set forth in the official policies and procedures of the school district and public school.

(iv) ((~~Public school records include all of the following:~~

~~(A) Academic records including, but not limited to, test and assessment scores in accordance with RCW 28A.230.195;~~

~~(B) Medical or health records;~~

~~(C) Records of any mental health counseling;~~

~~(D) Records of any vocational counseling;~~

~~(E) Records of discipline, including expulsions and suspensions under RCW 28A.600.015;~~

~~(F) Records of attendance, including unexcused absences in accordance with RCW 28A.225.020;~~

~~(G) Records associated with a child's screening for learning challenges, exceptionalities, plans for an individualized education program, or plan adopted under section 504 of the rehabilitation act of 1973; and~~

~~(H) Any other student-specific files, documents, or other materials that are maintained by the public school~~))Education records means those official records, files, and data directly related to a student and maintained by the public school including, but not limited to, records encompassing all the material kept in the child's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs;

(v) Education records do not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(vi) Nothing in this section changes the access and disclosure provisions established in chapter 70.02 RCW related to health care information;

(c) ((~~To receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the~~

~~parent and legal guardian must be notified as soon as practicable after the treatment is rendered;~~

~~(d) To receive notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays;~~

~~(e) To receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours. Follow-up care includes monitoring the child for aches and pains, medications, medical devices such as crutches, and emotional care needed for the healing process;~~

~~(f)~~)) To receive immediate notification ((~~if a criminal action is deemed to have~~))that a criminal action has been committed against their child ((~~or by their child~~))on school property during the school day, including immediate notification if there has been a shooting on school property, or their child has been detained based on probable cause of involvement in criminal activity on school property during the school day;

((~~(g)~~))(d) To receive immediate notification if law enforcement personnel question their child during a custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child;

((~~(h)~~))(e) To ((~~receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or "host home" as defined in RCW 74.15.020;~~

~~(i) To receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family in accordance with chapter~~))not have their child removed from school grounds or buildings during school hours without authorization of a parent or legal guardian according to the provisions in RCW 28A.605.010. Nothing in this section affects the provisions in RCW 74.15.020, 13.32A.082, 26.44.050, or 26.44.115;

(f) To have their child receive a public education in a setting in which discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited under chapters 28A.640 and 28A.642 RCW;

((~~(j) To~~))(g) In accordance with the protection of pupil rights, Title 20 U.S.C. Sec. 1232h, the right to receive written notice and the option to opt their child out of any ((~~surveys, assignments, questionnaires, role-playing activities, recordings of their child, or other student engagements that include questions about any of the following:~~

~~(i) The child's sexual experiences or attractions;~~

~~(ii) The child's family beliefs, morality, religion, or political affiliations;~~

~~(iii) Any mental health or psychological problems of the child or a family member; and~~

~~(iv) All surveys, analyses, and evaluations subject to areas covered by the protection of pupil rights amendment of the family educational rights and privacy act~~))survey, analysis, or evaluation that reveals information concerning:

(i) Political affiliations or beliefs of the student or the student's parent or legal guardian;

(ii) Mental or psychological problems of the student or the student's family;

(iii) Sex behavior and attitudes;

(iv) Illegal, antisocial, self-incriminating or demeaning behavior;

(v) Critical appraisals of other individuals with whom respondents have close family relationships;

(vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(vii) Religious practices, affiliations, or beliefs of the student or student's parent or legal guardian; or

(viii) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program;

((~~(k)~~))(h) To receive written notice and have the option to opt their child out of ((~~instruction on topics associated with sexual activity~~))comprehensive sexual health education in accordance with RCW 28A.300.475;

((~~(l)~~))(i) To receive from the public school the annual school calendar, no later than 30 days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any revisions to such calendar. Such calendar must be posted to the public school's website and must include, at a minimum, student attendance days and any known event that requires parent, legal guardian, or student attendance outside of normal school days or hours;

((~~(m)~~))(j) To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be ((~~addressed;~~

~~(n)~~))considered in the administration of fees;

(k) To receive in writing each year or to view on the public school's website a description of the school's required dress code or uniform established pursuant to the policies established and allowed by RCW 28A.320.140, if applicable, for students; ((~~and~~

~~(o)~~))(l) To be informed if their child's academic ((~~performance, including whether their child is provided a student learning plan under RCW 28A.655.270~~))progress, including the right to receive periodic reports on their child's educational growth and development in accordance with RCW 28A.150.240 and to receive notice of their child's performance on state learning standards tests and assessments in

accordance with RCW 28A.230.195, and whether the performance, is such that it could threaten the child's ability to be promoted to the next grade level ((~~and to be offered~~)). A parent or legal guardian also has the right to request an in-person meeting with the child's classroom teacher and principal to discuss any resources or strategies available to support and encourage the child's academic improvement;

(m) To file a complaint on behalf of their child under RCW 28A.600.477 relating to harassment, intimidation, and bullying;

(n) To have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state in accordance with RCW 28A.225.216;

(o) To have their child qualify without a legal residence for enrollment in a school district in accordance with RCW 28A.225.215;

(p) To have their child whose primary language is not English access supplemental instruction and services through the transitional bilingual instruction program in accordance with RCW 28A.150.220;

(q) To receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d, et seq., and the contact information for any language access services under RCW 28A.183.040;

(r) To request enrollment for their child in a nonresident school district in accordance with RCW 28A.225.220, 28A.225.225, and 28A.225.230;

(s) To be notified of unexcused absences and to engage in efforts to eliminate or reduce their child's absences in accordance with RCW 28A.225.015, 28A.225.018, and 28A.225.020;

(t) To request, under RCW 28A.155.090, information about special education programs and assistance for their child if their child is eligible for but not receiving special education services, including due to illness;

(u) To request an appeal to the superintendent of public instruction under RCW 28A.155.080 if their child with disabilities has been denied the opportunity of a special education program by a school district or public school; and

(v) To access special education due process hearings regarding their child as required by RCW 28A.155.020.

(3) Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's ((~~medical or health records or mental health counseling~~))health care, social work, counseling, or disciplinary records to a parent or legal guardian who is the defendant in a criminal proceeding where the student is the named victim or during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the department of children, youth, and families where the parent or legal guardian is the target of the investigation, unless the parent or legal guardian has obtained a court order.

(4) ((~~As used in this section "public school" has the same meaning as in RCW 28A.150.010~~))Nothing in this section creates a private right of action.

PART FOUR
RETALIATION PROTECTIONS

NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) School district employees and directors may not take an adverse employment action against any employee of the school district for:

(a) Supporting students in the exercise of their legal rights, including their right to a learning environment with historically and scientifically accurate information that: Includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups as provided in RCW 28A.345.130; and provides students with an appreciation for the contributions and perspectives of diverse, global cultures; or

(b) Performing work in a manner consistent with RCW 28A.642.080, 28A.642.020, and 28A.605.005, and sections 101, 201, and 202 of this act.

(2) In addition to the prohibitions established in subsection (1) of this section, school district employees and directors may not take an adverse employment action against a teacher of the school district for:

(a) Instructing students in a manner consistent with state learning standards; or

(b) Using instructional materials approved in accordance with RCW 28A.320.230 that are culturally and experientially representative, including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010.

(3) For the purposes of this section, an "adverse employment action" includes termination, demotion, suspension, discipline, denial of promotion, reassignment, negatively impacting the evaluation of certificated staff under RCW 28A.405.100, removal from, or denying access to, a supplemental contract, or otherwise taking any negative employment action against the employee.

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

PART FIVE
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 501.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Keaton moved the adoption of amendment (392) to the striking amendment (204):

On page 1, beginning on line 25 of the striking amendment, after "RCW" strike all material through "of" on page 2, line 1 and insert "and may place"

Representatives Keaton, Jacobsen, Dufault, Keaton (again), Rude and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (392) to the striking amendment (204) was not adopted.

Representative Walsh moved the adoption of amendment (404) to the striking amendment (204):

On page 5, after line 7 of the striking amendment, insert the following:

"(5) The discrimination protections based on gender identity and gender expression required by this section do not extend to individuals who utilize non-human gender identities and expressions. This subsection (5) does not limit protections against discrimination on the basis of other characteristics, including race, disability, or other legally protected classes for individuals who utilize non-human gender identities and expressions.

(6) For the purposes of this section:

(a) "Gender identity" and "gender expression" means those aspects of identity and self-presentation that correspond to human gender categories as generally understood in social, cultural, and legal contexts;

(b) "Non-human gender identity and expression" means gender identities that identify with or express characteristics associated with non-human entities, such as animals, mythological creatures, or abstract concepts, and do not fall within the generally accepted categories of human gender identity and expression; and

(c) "Human gender identity and expression" means a gender identity that aligns with human biological sex or socioculturally recognized human gender categories, including male, female, and non-binary.

Sec. 1. RCW 28A.642.010 and 2010 c 240 s 2 are each amended to read as follows:

(1) Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise.

(2) For the purposes of this section, "gender expression or identity" does not include or apply to non-human gender identities and expressions as defined in RCW 28A.642.080."

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

Representatives Walsh, Walsh (again), Couture and McEntire spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Parshley and Donaghy spoke against the adoption of the amendment to the striking amendment.

Amendment (404) to the striking amendment (204) was not adopted.

Representative Dye moved the adoption of amendment (446) to the striking amendment (204):

On page 5, after line 7 of the striking amendment, insert the following:

"(5) Policies and procedures adopted by school districts in accordance with this section relating to bathroom accommodations for students must ensure that student bathrooms designated for single sex use as of January 1, 2025, remain designated for single sex use."

Representatives Dye, Griffey, Eslick, Walsh, Dufault, Burnett, Penner, Keaton, Rude, Couture, Connors and Mendoza spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Santos and Bergquist spoke against the adoption of the amendment to the striking amendment.

Amendment (446) to the striking amendment (204) was not adopted.

Representative Dye moved the adoption of amendment (480) to the striking amendment (204):

On page 5, after line 7 of the striking amendment, insert the following:

"(5) Policies and procedures adopted by school districts in accordance with this section relating to locker room accommodations for students must ensure that student locker rooms designated for single sex use as of January 1, 2025, remain designated for single sex use."

Representatives Dye, Walsh, McEntire, Caldier, Dufault, Jacobsen and Griffey spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

Amendment (480) to the striking amendment (204) was not adopted.

Representative Stonier moved the adoption of amendment (344) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"Sec. 104. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

(1) ((~~School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the~~

~~misconduct.~~)) If an employee or contractor of a school district has knowledge or reasonable cause to believe that a student has been a victim, target, or recipient of physical abuse, sexual abuse, sexual misconduct, or assault occurring on school property during the school day, the school district must immediately notify the parents or legal guardians of the student. This requirement applies regardless of whether the alleged perpetrator is a student, school district employee or contractor, volunteer, or any other individual.

(2) School districts shall provide parents and legal guardians with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information ((~~shall~~)) must be provided to all parents and legal guardians on an annual basis.

(3) For purposes of this section, "reasonable cause" has the same meaning as in RCW 26.44.030.

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

Sec. 1. RCW 28A.400.317 and 2013 c 10 s 4 are each amended to read as follows:

(1) A certificated or classified school employee or contractor who has knowledge or reasonable cause to believe that a student has been a victim of physical or sexual abuse ((~~or~~)), sexual misconduct, or assault by another school employee or contractor, shall report such abuse ((~~or~~)), misconduct, or assault to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the sexual misconduct ((~~or~~)), physical or sexual abuse, or assault has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030."

On page 10, line 28 of the striking amendment, after "~~have~~))" insert ": That their child is the alleged victim, target, or recipient of physical abuse, sexual abuse, sexual misconduct, or assault occurring on school property during the school day by another student, a school employee or contractor, or any other individual, in accordance with RCW 28A.320.160;"

On page 10, line 31 of the striking amendment, after "shooting" strike "on school property, or" and insert ", or threat of a shooting, on school property; or that"

Representatives Stonier and Stonier (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Couture, Walsh, Couture (again) and Corry spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 52 - YEAS; 38 - NAYS.

Amendment (344) to the striking amendment (204) was adopted.

Representative Low moved the adoption of amendment (355) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"**Sec. 1.** RCW 28A.400.303 and 2020 c 22 s 1 are each amended to read as follows:

(1)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, and their contractors shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation criminal justice information systems before hiring the following employees:

(i) Employees who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; and

(ii) Employees who receive criminal history record information or personally identifiable information from the record check.

(b) A record check under this section must include a fingerprint check using a complete Washington state criminal identification fingerprint card.

(c) The requesting entity may provide a copy of the record report to the applicant at the applicant's request.

(d) When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.

(e) If the applicant for employment has had a record check within the previous two years, the district, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor may waive the requirement.

(f) Except as provided in subsection (2) of this section, the school district, pursuant to chapter 41.59 or 41.56 RCW, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1)(a) of this section to perform record checks for their employees and applicants for employment.

(3)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter 28A.710 RCW, schools that are the subject of a state-tribal education compact under chapter 28A.715 RCW, and their contractors ((~~may~~)) shall use the process in subsection (1)(a) of this section to perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under eighteen years of age or persons with developmental disabilities, during the course of his or her involvement with the school or organization under circumstances where access will or may involve the following:

(i) Groups of five or fewer children under twelve years of age;

(ii) Groups of three or fewer children between twelve and eighteen years of age; or

(iii) Persons with developmental disabilities.

(b) The entities listed in (a) of this subsection are not obligated to impose the cost of record checks on prospective volunteers.

(c) A volunteer is not authorized to commence regularly scheduled unsupervised volunteer work with persons with developmental disabilities or groups of minors as described in (a)(i) and (ii) of this subsection until the record check has been received and considered by the entity.

(d) For purposes of (a) of this subsection, "unsupervised" means not in the presence of:

(i) Another employee or volunteer from the same school or organization; or

(ii) Any relative or guardian of any of the children or persons with developmental disabilities to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.

(4) Individuals who hold a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction.

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW 28A.195.080 and 28A.410.010; and other applicable fees for obtaining the fingerprints."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (355) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The title of Substitute House Bill 1296 is an act relating to promoting a safe and supportive public education system through student rights, parental and guardian rights, employee protections, and requirements for state and local education entities, and declaring an emergency.

The bill establishes a state policy that policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools must prioritize every student's safety, access to a free public education, and privacy. The bill makes changes to delineated rights of parents and legal guardians of public-school children; establishes a statement of student rights and related duties for state and local education entities; and establishes anti-retaliation protections for public school employees.

Amendment (355) adds a new section to the bill concerning certain school volunteers. It requires educational entities to conduct criminal history record checks on such volunteers and prohibits them from working with certain minors.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Penner moved the adoption of amendment (356) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Notwithstanding RCW 9.73.030, parents or guardians of a student have the right to audio record their student's individualized education program team meetings.

(2) Except as provided under subsection (1) of this section, members of a student's individualized education program team must comply with RCW 9.73.030 when recording an individualized education program team meeting.

Sec. 105. RCW 9.73.030 and 2021 c 329 s 21 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full-time or contractual or part-time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

(5) This section does not apply to the recording of custodial interrogations pursuant to RCW 10.122.040.

(6) This section does not apply to the audio recording of individualized education program team meetings by a student's parent or guardian pursuant to section 104(1) of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (356) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The Speaker has reviewed amendment (356) and compared it to House Bill 1051 that was introduced and referred to the Education Committee earlier this session.

Amendment (356) incorporates the provisions of House Bill 1051 into Substitute House Bill 1296 in violation of House Rule 12(D).

Therefore, the amendment is out of order.

The point of order is well taken."

Representative Stuebe moved the adoption of amendment (369) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"Sec. 104. RCW 28A.600.015 and 2023 c 242 s 9 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than 10 consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, 10 consecutive school days.

(3) Emergency removals must end or be converted to another form of corrective action within ((~~ten~~)) 10 school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency removal is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; ((~~or~~))

(d) Behavior that adversely impacts the health or safety of other students or educational staff; or

(e) Behavior that diminishes or impedes the educational opportunity of another student.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection

(6)(a) through ((~~(d)~~)) (e) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

Sec. 105. RCW 28A.600.020 and 2019 c 266 s 22 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area ((~~for all or any portion of the balance of the school day, or up to the following two days, or~~)) until the principal or designee and teacher have conferred((~~, whichever occurs first~~)). Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event ((~~without the consent of the teacher~~)) may an excluded student return to the class ((~~during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred~~))without the consent of the classroom teacher.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280; ((~~or~~))

(ii) Engages in one or more of the offenses listed in RCW 13.04.155; or

(iii) Repeatedly engages in behavior that diminishes or impedes the educational opportunity of another student.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ((~~ten~~)) ten days must have an end date of not more than the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington center for deaf and hard of hearing youth, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

Sec. 106. RCW 28A.600.460 and 2013 2nd sp.s. c 18 s 305 are each amended to read as follows:

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; classroom exclusion as described in RCW 28A600.020; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public, but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address."

Representatives Stuebe, Dufault, Orcutt, Barnard, Walsh, Caldier and Stuebe (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Entenman, Ortiz-Self and Reeves spoke against the adoption of the amendment to the striking amendment.

Amendment (369) to the striking amendment (204) was not adopted.

Representative Schmick moved the adoption of amendment (371) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts are prohibited from permitting an individual who committed a crime listed in subsection (2) of this section from volunteering in a position where they will have regularly scheduled unsupervised access to persons with developmental disabilities or groups of minors as described in RCW 28A.400.303(3).

(2) Subsection (1) of this section applies upon a guilty plea or conviction for any of the following crimes:

(a) Sex offenses including but not limited to rape, indecent exposure, voyeurism, or prostitution involving minors;

(b) Any crime involving children;

(c) Kidnapping;

(d) Drug crimes involving minors and including drug trafficking;

(e) Crimes where the individual received a sentence enhancement involving minors, schools, or other facilities involving the education, care, or protection of children;

(f) Crimes involving child abuse, neglect, or endangerment;

(g) Crimes involving possession, distribution, or production of child pornography or the online solicitation of a minor;

(h) Crimes involving child sex trafficking, human trafficking, or luring or enticing a child; or

(i) Crimes involving conspiracy to commit, or an accomplice to commit, any crime specified in (a) through (h) of this subsection.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal compact schools subject to chapter 28A.715 RCW."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (371) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The title of Substitute House Bill 1296 is an act relating to promoting a safe and supportive public education system through student rights, parental and guardian rights, employee protections, and requirements for state and local education entities, and declaring an emergency.

The bill establishes a state policy that policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools must prioritize every student's safety, access to a free public education, and privacy. The bill makes changes to delineated rights of parents and legal guardians of public-school children; establishes a statement of student rights and related duties for state and local education entities; and establishes anti-retaliation protections for public school employees.

Amendment (371) adds a new section to the bill concerning school volunteers. It prohibits districts and charter and state-tribal compact schools from permitting persons to volunteer in certain positions if convicted of certain crimes.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Jacobsen moved the adoption of amendment (375) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.525 RCW to read as follows:

(1) The office of the superintendent of public instruction shall administer a school safety capital grant program as provided for in this section and shall adopt rules under chapter 34.05 RCW for the administration of the program.

(2) Project eligibility.

(a) Grants provided pursuant to this section may only be awarded for school safety projects that make physical improvements intended to advance the safety or security of a school facility. Examples of eligible project types under this section include: (i) Design and construction of security vestibules; (ii) purchase and installation of metal detectors, facility key card access, remote door access, panic buttons, or silent alarms; (iii) fencing; (iv) lighting; and (v) crime prevention through environmental design projects.

(b) Grantees must use grants awarded under this section to incorporate, to the extent applicable to the project type, crime prevention through environmental design principles.

(3) Applicant eligibility. Common schools, state-tribal education compact schools, and charter schools are eligible to apply for grants under this section. For charter schools, the office of the superintendent of public instruction may award grants only from funding sources other than the common school construction fund.

(4) Application process. The office of the superintendent of public instruction shall develop a competitive grant application process and assist eligible applicants in matters related to applying for grants under this section.

(5) Administration.

(a) The office of the superintendent of public instruction may use up to three percent of amounts appropriated for the grant program under this section for costs that result from administration of the program.

(b) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall award grants under this section on a competitive basis.

(c) Prior to receiving funding, applicants for a grant under this section must demonstrate that the project site is under their control for a minimum of 10 years, either through ownership or a long-term lease.

(d) In contracts for grants authorized under this section, the office of the superintendent of public instruction shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the office of the superintendent of public instruction finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay the amount of the grant award to the appropriate state fund, as determined by the office of the superintendent of public instruction. If the source of grant funding was general obligation bonds, then the repayment required for grant noncompliance under this subsection must be made to the state general fund and must include the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Maximum project cost. Projects receiving a grant award under this section must have a total estimated project cost of $1,000,000 or less."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (375) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The title of Substitute House Bill 1296 is an act relating to promoting a safe and supportive public education system through student rights, parental and guardian rights, employee protections, and requirements for state and local education entities, and declaring an emergency.

The bill establishes a state policy that policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools must prioritize every student's safety, access to a free public education, and privacy. The bill makes changes to delineated rights of parents and legal guardians of public-school children; establishes a statement of student rights and related duties for state and local education entities; and establishes anti-retaliation protections for public school employees.

Amendment (375) adds a new section to the bill and establishes a capital grant program for school safety projects that make physical improvements intended to advance the safety and security of schools such as metal detectors, panic buttons, and fencing.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Couture moved the adoption of amendment (385) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.150 RCW to read as follows:

(1)(a) In addition to amounts allocated under RCW 28A.150.260, the superintendent of public instruction shall allocate to school districts state funding sufficient for one school resource officer on each school campus.

(b) The allocation for a school resource officer's annual salary under this section is $85,000, adjusted for inflation from the 2025-26 school year as provided in RCW 28A.400.205 and the classified regionalization factor of the school district in which the school campus is located. Allocations for fringe benefits and

insurance benefits must be calculated using rates specified in the omnibus appropriations act for classified staff.

(c) Amounts allocated under this section may be used only to support school resource officers or safety and security staff on school campuses. Funding provided under this section is part of the state's statutory program of basic education under RCW 28A.150.200.

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

(a) "Safety and security staff" has the same meaning as in RCW 28A.320.124.

(b) "School campus" means a school facility, as defined in rules of the superintendent of public instruction adopted under RCW 28A.525.020, that is used primarily for in-person instruction of students in any grade level from kindergarten through 12th grade.

(c) "School resource officer" has the same meaning as in RCW 28A.320.124.

Sec. 105. RCW 28A.710.280 and 2021 c 111 s 12 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260 and school resource officers under section 104 of this act.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 106. RCW 28A.715.040 and 2018 c 266 s 404 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average salary set forth in RCW 28A.150.410 and for school resource officers must be based on section 104 of this act, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (385) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The title of Substitute House Bill 1296 is an act relating to promoting a safe and supportive public education system through student rights, parental and guardian rights, employee protections, and requirements for state and local education entities, and declaring an emergency.

The bill establishes a state policy that policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools must prioritize every student's safety, access to a free public education, and privacy. The bill makes changes to delineated rights of parents and legal guardians of public-school children; establishes a statement of student rights and related duties for state and local education entities; and establishes anti-retaliation protections for public school employees.

Amendment (385) adds new sections to the bill and directs the Office of the Superintendent of Public Instruction to allocate funding for school resource officers and provides that such funding is part of the state's statutory program of basic education.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative McClintock moved the adoption of amendment (405) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction shall establish and maintain on its website a school safety dashboard. The purpose of the dashboard is to both: Enable the public to review annually updated school safety data for the state and for each public school and school district; and use the data to annually rate public schools and school districts using a state safety rating system.

(b) In meeting the requirements of this section, the office of the superintendent of public instruction must examine and consider the practices of other states in establishing comparable dashboards.

(2)(a) Annually, the office of the superintendent of public instruction shall update the school safety dashboard to display the number of incidents involving public school students on public school property sorted by behavioral violation and severity level as follows:

(i) Type six - firearm;

(ii) Type five - assault II, sexual assault, illicit drug distribution, possession of a weapon, robbery, assault of teacher, and safety II;

(iii) Type four - assault I, fighting with major injury, sexual harassment, discriminatory harassment, malicious harassment, arson, marijuana distribution, alcohol distribution, gang intimidation or activity, and safety I;

(iv) Type three - bullying, fighting without major injury, illicit drug possession or use, marijuana possession or use, alcohol possession or use, tobacco distribution, theft, or other III;

(v) Type two - destruction of property, physical aggression, tobacco possession or use, failure to cooperate, sexually inappropriate conduct, disruptive conduct II, or other II; and

(vi) Type one - disruptive conduct I, dress code, physical contact, defiance, disrespect, academic dishonesty/plagiarism, property misuse, inappropriate language, or other I.

(b) The dashboard must display the sorted incident data by school district and by public school, in addition to displaying the statewide totals.

(3)(a) The office of the superintendent of public instruction shall establish a state safety rating system. Annually, the office of the superintendent of public instruction shall analyze the data submitted by the public schools as required by subsection (4) of this section and rate school districts and public schools using the state safety rating system.

(b) Annually, following the rating under (a) of this subsection (3), the office of the superintendent of public instruction shall notify the regional school safety centers, so that resources available under RCW 28A.310.510 can be prioritized to the school districts and public schools with the most vulnerable students and staff.

(4)(a) Beginning September 2025, each public school shall collect and submit any school safety incident data that the office of the superintendent of public instruction needs for the school safety dashboard through the statewide student data system.

(b) Data must be collected and submitted in compliance with standards for school data systems developed under RCW 28A.300.505 and the data protocols and guidance of the K-12 data governance group established in RCW 28A.300.507.

(5) For purposes of this section, "public school" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec.** A new section is added to chapter 28A.300 RCW to read as follows:

To the extent that state or federal funding is appropriated or otherwise allocated for school safety purposes, the office of the superintendent of public instruction shall prioritize the funds to school districts and public schools rated as having the most vulnerable students and staff under section 104 of this act."

Representatives McClintock, Couture and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (405) to the striking amendment (204) was not adopted.

Representative Volz moved the adoption of amendment (441) to the striking amendment (204):

On page 5, after line 22 of the striking amendment, insert the following:

"Sec. 104. RCW 28A.600.200 and 2012 c 155 s 2 are each amended to read as follows:

(1) Each school district board of directors is hereby granted and shall exercise the authority to control, supervise

and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the ((~~following~~)) conditions((~~:~~

~~(1)~~)) outlined in this section.

(2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status((~~;~~

~~(2)(a)~~)) (3) Any rules and policies adopted and applied by the voluntary nonprofit entity that governs student participation in any interschool activity shall be written((~~;~~)) and

((~~(b) Such rules and policies shall~~)) provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity.

((~~(3)(a)~~)) (4) The association or other voluntary nonprofit entity is authorized to impose penalties for rules violations upon coaches, school district administrators, school administrators, and students, as appropriate, to punish the offending party or parties((~~;~~

~~(b) No~~)), but no penalty may be imposed on a student or students unless the student or students knowingly violated the rules or unless a student gained a significant competitive advantage or materially disadvantaged another student through a rule violation((~~;~~

~~(c)~~)). Any penalty that is imposed for rules violations must be proportional to the offense((~~;~~

~~(d) Any~~)), and any decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

((~~(4)~~)) (5) The school districts, Washington interscholastic activities association districts, and leagues that participate in the interschool extracurricular activities shall not impose more severe penalties for rule violations than can be imposed by the rules of the association or the voluntary nonprofit entity.

((~~(5)~~)) (6) Policies, procedures, rules, and other requirements adopted by a school district or a voluntary nonprofit entity in accordance with this section must conform with section 105 of this act.

(7) As used in this section and RCW 28A.600.205, "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Policies, procedures, rules, and other requirements adopted in accordance with RCW 28A.600.200 by a school district board of directors or a voluntary nonprofit entity may, for purposes of protecting students' safety, prohibit biologically male students from competing with and against female students in athletic activities with separate classifications for male and female students if the athletic activity is:

(a) Intended for female students; and

(b) An individual or team competition activity.

(2) A dispute regarding a student's sex must be resolved by the school district by requesting that the student provide a health examination and consent form or other statement signed by the student's personal health care provider that verifies the student's biological sex. The health care provider may verify the student's biological sex as part of a routine sports physical examination relying only on one or more of the following: The student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels.

Sec. 106. RCW 28A.640.020 and 2023 c 242 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex, except as provided in section 105 of this act. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no

disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audiovisual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in RCW 28A.300.286.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment."

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

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (441) to the striking amendment (204) to SUBSTITUTE HOUSE BILL NO. 1296.

SPEAKER'S RULING

"The Speaker has reviewed amendment (441) and compared it to House Bill 1699 that was introduced and referred to the Education Committee earlier this session.

Amendment (441) incorporates the provisions of House Bill 1699 into Substitute House Bill 1296 in violation of House Rule 12(D).

Therefore, the amendment is out of order.

The point of order is well taken."

The Speaker called upon Representative Stearns to preside.

Representative Manjarrez moved the adoption of amendment (381) to the striking amendment (204):

On page 5, line 35 of the striking amendment, after "(3)" insert "The legislature also finds that the following responsibilities help students develop a strong work ethic, build relationships, and contribute to a positive school culture:

(a) Follow school rules and policies. Adhere to the rules outlined by the school,

including regulations about behavior, attendance, and academic integrity;

(b) Respect others. Treat classmates, teachers, and staff with respect, kindness, and fairness. This includes refraining from bullying, harassment, or discrimination;

(c) Maintain a positive learning environment. Contribute to a safe, supportive, and respectful classroom environment that allows everyone to learn;

(d) Follow the dress code. Abide by the school's dress code or uniform policy, if applicable, to maintain a neat and appropriate appearance;

(e) Be punctual and attend school regularly. Arrive on time for class and attend school regularly to stay on track with academic progress;

(f) Complete assignments on time. Stay organized and submit homework, projects, and assignments by their deadlines;

(g) Respect school property. Take care of school property and materials, including classrooms, textbooks, computers, and furniture;

(h) Maintain academic integrity. Avoid cheating, plagiarism, or any form of dishonesty in schoolwork and assessments.

(i) Take responsibility for actions. Accept accountability for mistakes, actions, and decisions, and learn from them;

(j) Communicate appropriately. Use polite, respectful language when speaking to others, both in-person and online for digital communication such as email or school platforms;

(k) Engage in learning. Participate actively in class, ask questions, seek help when needed, and strive to do your best academically;

(l) Respect teachers and staff. Follow directions from teachers and school staff members and treat them with respect and consideration;

(m) Be prepared. Come to school and class with the necessary materials (books, supplies, etc.), and be ready to learn;

(n) Practice good hygiene and personal care. Maintain cleanliness and personal hygiene to create a comfortable environment for yourself and others;

(o) Participate in group activities. Engage in group or team activities, respecting the ideas and contributions of others;

(p) Use technology appropriately. Follow the school's guidelines for technology use, including using devices for educational purposes only; and

(q) Respect diversity. Treat with respect and kindness people from different cultures, backgrounds, and perspectives.

(4)"

On page 5, line 37 of the striking amendment, after "society," insert "and the benefits of developing a strong work ethic, building relationships, and contributing to a positive school culture,"

Representatives Manjarrez, Walsh and Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representative Pollet spoke against the adoption of the amendment to the striking amendment.

Amendment (381) to the striking amendment (204) was not adopted.

Representative Abell moved the adoption of amendment (387) to the striking amendment (204):

On page 6, line 22 of the striking amendment, after "are" strike "subject to" and insert "beneficiaries of"

On page 6, line 23 of the striking amendment, after "Constitution" strike ", and its" and insert "and the associated"

On page 6, line 33 of the striking amendment, after "(H) The" strike "right to" and insert "self-evident truths articulated in the Declaration of Independence that all men are created equal, that they are endowed by their Creator with certain unalienable rights, and that among these are"

Representatives Abell and Stonier spoke in favor of the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Stearns presiding) divided the House. The result was 80 - YEAS; 6 - NAYS.

Amendment (387) to the striking amendment (204) was adopted.

Representative Volz moved the adoption of amendment (408) to the striking amendment (204):

On page 8, line 10 of the striking amendment, after "rights" strike "or" and insert ","

On page 8, line 11 of the striking amendment, after "derived" insert ", or the associated legal limits"

Representatives Volz and Stonier spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (408) to the striking amendment (204) was adopted.

Representative Keaton moved the adoption of amendment (373) to the striking amendment (204):

On page 8, after line 19 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 301.** (1) The legislature finds that parental involvement is a crucial factor in shaping the educational outcomes of students and contributing to the well-being of society.

(2) Parents are the primary stakeholders in their children's upbringing. When parents actively engage in their child's education, it enhances the student's academic performance, motivation, and overall development. Strong parental involvement also fosters a supportive learning environment, both at home and school, helping students develop confidence, resilience, and a sense of responsibility. Moreover, active participation from parents in their children's education builds a stronger school community, promotes positive behavior, and supports the creation of more equitable learning opportunities.

Ultimately, when parents and schools work together, it benefits the individual student and strengthens society by nurturing educated, responsible, and engaged citizens.

(3) The legislature, therefore, through the voter approval of Initiative Measure No. 2081, establishes the parents' bill of rights."

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

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

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (373) to the striking amendment (204) was not adopted.

Representative Burnett moved the adoption of amendment (382) to the striking amendment (204):

On page 8, line 31 of the striking amendment, after "RCW 28A.605.020" strike "and" and insert ","

On page 8, line 35 of the striking amendment, after "procedures" insert ", and to have opportunities at least monthly to examine the curriculum, textbooks, instructional materials, and supplemental instructional materials during weekend and evening hours"

Representatives Burnett, Walsh, Couture, Rude, Ybarra, Orcutt, Marshall, Walsh (again), Jacobsen, Mendoza and Penner spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Parshley, Stonier, Thai and Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (382) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 52; Absent, 0; Excused, 4

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

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

Excused: Representatives Dent, Fey, Hackney and Rule

Amendment (382) to the striking amendment (204) was not adopted.

Representative Marshall moved the adoption of amendment (435) to the striking amendment (204):

On page 10, line 1 of the striking amendment, after "to," insert "medical or health records to the extent permitted by federal law,"

Representatives Marshall, Marshall (again), Keaton, Walsh, Dufault and Ley spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Thai and Stonier spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (435) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 52; Absent, 0; Excused, 4

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Fey, Hackney and Rule

Amendment (435) to the striking amendment (204) was not adopted.

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

Representative Marshall moved the adoption of amendment (442) to the striking amendment (204):

On page 10, line 1 of the striking amendment, after "to," insert "records of any mental health counseling to the extent permitted by federal law,"

Representatives Marshall, Marshall (again), Jacobsen, Eslick, Walsh, Couture and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Thai and Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (442) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 52; Absent, 0; Excused, 4

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill,

Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Fey, Hackney and Rule

Amendment (442) to the striking amendment (204) was not adopted.

Representative Walsh moved the adoption of amendment (396) to the striking amendment (204):

On page 10, line 13 of the striking amendment, after "(c)" strike "((~~To receive prior~~" and insert "To receive ((~~prior~~"

On page 10, beginning on line 18 of the striking amendment, after "~~To~~" strike all material through "~~(c)~~" on line 22 and insert "~~receive~~)) notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays, including potential financial impacts resulting from the student being: A protected individual under RCW 48.43.005(44)(a)(ii); or permitted to issue consent on their own behalf under RCW 70.24.110, 71.34.500, 71.34.530, or in accordance with the mature minor doctrine, as articulated in Smith v. Seibly, 72 Wn.2d 16 (1967);

((~~(c)~~"

On page 10, line 27 of the striking amendment, after "~~(f)~~))" insert "(d)"

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

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

Representative Thai spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (396) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 52; Absent, 0; Excused, 4

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Fey, Hackney and Rule

Amendment (396) to the striking amendment (204) was not adopted.

Representative Steele moved the adoption of amendment (420) to the striking amendment (204):

On page 10, beginning on line 13 of the striking amendment, after "(c)" strike all material through "~~(d)~~" on line 18 and insert "To receive prior notification when medical services, or medications not previously authorized by the parent or legal guardian, are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the parent and legal guardian must be notified as soon as practicable after the treatment or medication is rendered;

((~~(d)~~"

On page 10, line 27 of the striking amendment, after "~~(f)~~))" insert "(d)"

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

Representatives Steele and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Griffey, Representative Eslick was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (420) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 52; Absent, 0; Excused, 5

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (420) to the striking amendment (204) was not adopted.

Representative Caldier moved the adoption of amendment (448) to the striking amendment (204):

On page 10, line 13 of the striking amendment, after "(c)" strike "((~~To receive prior~~" and insert "To receive ((~~prior~~"

On page 10, beginning on line 22 of the striking amendment, after "~~To~~" strike all material through "~~(f)~~))" on line 27 and insert "~~receive~~)) notification when the school has arranged directly or indirectly for medical treatment ((~~that results~~)) or medications for their child that have not been previously authorized by the parent or legal guardian that result in follow-up care beyond normal school hours. Follow-up care includes monitoring the child for aches and pains, medications, medical devices such as crutches, and emotional care needed for the healing process;

((~~(f)~~)) (d)"

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

Representatives Caldier, Caldier (again) and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (448) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 52; Absent, 0; Excused, 5

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (448) to the striking amendment (204) was not adopted.

Representative Couture moved the adoption of amendment (428) to the striking amendment (204):

On page 10, line 34 of the striking amendment, after "(d)" insert "To receive immediate notification if a criminal action is alleged to have been committed against their child, including immediate notification if their child is alleged to be the victim, target, or recipient of an allegation of sexual misconduct by a school employee as required by RCW 28A.320.160;

(e)"

On page 14, after line 9 of the striking amendment, insert the following:

"Sec. 1. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must((~~, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee,~~)) immediately notify the parents or legal guardians of a student alleged to be the victim, target, or recipient of ((~~the~~)) an allegation of sexual misconduct by a school employee. School districts shall provide parents and legal guardians with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents and legal guardians on an annual basis."

Representatives Couture and Santos spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (428) to the striking amendment (204) and the amendment was adopted by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

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

Amendment (428) to the striking amendment (204) was adopted.

Representative Couture moved the adoption of amendment (444) to the striking amendment (204):

On page 10, beginning on line 38 of the striking amendment, after "To" strike all material through "~~(i)~~" on page 11, line 3 and insert "receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or "host home" as defined in RCW 74.15.020;

((~~(i)~~"

On page 11, at the beginning of line 6 of the striking amendment, insert "(f) To"

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

Representatives Couture, Dufault and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (444) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 52; Absent, 0; Excused, 5

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (444) to the striking amendment (204) was not adopted.

Representative Ley moved the adoption of amendment (437) to the striking amendment (204):

On page 11, line 11 of the striking amendment, after "(f)" insert "To not have their child under the age of 18 authorize excused absences;

(g)"

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

Representatives Ley, Marshall, Dufault and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Callan and Stonier spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (437) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 52; Absent, 0; Excused, 5

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (437) to the striking amendment (204) was not adopted.

Representative Caldier moved the adoption of amendment (440) to the striking amendment (204):

On page 11, line 11 of the striking amendment, after "(f)" insert "To not have a school nurse or school counselor provide informed consent for health care on behalf of a student who is under the age of 18, except when emergency medical treatment is required. If emergency medical treatment is required, the parent or legal guardian must be notified as soon as practicable after the consent for health care is provided;

(g)"

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

Representatives Caldier, Griffey, Walsh, Griffey (again), Dufault and Marshall spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Santos, Santos (again) and Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

Amendment (440) to the striking amendment (204) was not adopted.

Representative Manjarrez moved the adoption of amendment (454) to the striking amendment (204):

On page 11, line 11 of the striking amendment, after "(f)" insert "To have their child receive a public education in a setting free from recommendations or advice from non-medical professionals regarding abortion and gender care;

(g)"

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

On page 14, beginning on line 8 of the striking amendment, after "~~28A.150.010~~))" strike all material through "action" on line 9 and insert "A violation of RCW 28A.605.005(2)(f) creates a private right of action not subject to any limitation of action under chapter 4.16 RCW"

Representative Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hill spoke against the adoption of the amendment to the striking amendment.

Amendment (454) to the striking amendment (204) was not adopted.

Representative Manjarrez moved the adoption of amendment (439) to the striking amendment (204):

On page 11, beginning on line 18 of the striking amendment, strike all material through "to" on line 19 and insert "((~~j~~)) (g) To"

Representatives Corry and Corry (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Pollet spoke against the adoption of the amendment to the striking amendment.

Amendment (439) to the striking amendment (204) was not adopted.

Representative Mendoza moved the adoption of amendment (450) to the striking amendment (204):

On page 11, beginning on line 20 of the striking amendment, after "any" strike all material through "~~that~~" on line 22 and insert "surveys, assignments, questionnaires, role-playing activities, recordings of their child, or other student engagements ((~~that~~"

On page 11, line 31 of the striking amendment, after "~~act~~))" insert ", or any"

Representatives Corry, Dufault and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (450) to the striking amendment (204) was not adopted.

Representative Waters moved the adoption of amendment (389) to the striking amendment (204):

On page 11, line 34 of the striking amendment, after "student's" strike "parent" and insert "family"

On page 12, line 6 of the striking amendment, after "student's" strike "parent" and insert "family"

Representatives Waters and Waters (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Pollet spoke against the adoption of the amendment to the striking amendment.

Amendment (389) to the striking amendment (204) was not adopted.

Representative Penner moved the adoption of amendment (386) to the striking amendment (204):

On page 13, line 6 of the striking amendment, after "(n)" insert "To request, in writing, a safety plan for their child, and if denied by the public school, to receive within three business days a written explanation for the denial and any options for appealing the decision;
(o)"

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

Representatives Penner and Penner (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Taylor spoke against the adoption of the amendment to the striking amendment.

Amendment (386) to the striking amendment (204) was not adopted.

Representative Barkis moved the adoption of amendment (462) to the striking amendment (204):

On page 13, line 10 of the striking amendment, after "(o)" insert "To request enrollment for their child in a charter school established under chapter 28A.710 RCW;
(p)"

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

Representatives Barkis and Stonier spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (462) to the striking amendment (204) and the amendment was adopted by the following vote: Yeas, 92; Nays, 1; Absent, 0; Excused, 5

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

Voting Nay: Representative Ryu

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (462) to the striking amendment (204) was adopted.

Representative Keaton moved the adoption of amendment (383) to the striking amendment (204):

On page 14, after line 9 of the striking amendment, insert the following:

"**Sec. 302.** RCW 28A.150.240 and 1979 ex.s. c 250 s 5 are each amended to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto((~~.~~));

(b) Maintain good order and discipline in their classrooms at all times((~~.~~));

(c) Hold students to a strict accountability while in school for any

disorderly conduct while under their supervision((~~.~~));

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, late arrival to school, or early dismissal((~~.~~));

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom((~~.~~));

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator((~~.~~));

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators; and

(h) Work with families to provide information related to, and support the implementation of, RCW 28A.605.005, the parents' bill of rights as established in Initiative Measure No. 2081.

Failure to carry out such requirements as set forth in subsection (2)(a) through ((~~(g)~~)) (h) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff."

Representatives Keaton and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Santos spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (383) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 40; Nays, 53; Absent, 0; Excused, 5

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

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fitzgibbon, Fosse, Goodman, Gregerson, Hill, Hunt, Kloba, Leavitt, 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, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (383) to the striking amendment (204) was not adopted.

Representative McEntire moved the adoption of amendment (436) to the striking amendment (204):

On page 7, line 40 of the striking amendment, after "citizenship;" insert "and"

On page 8, beginning on line 2 of the striking amendment, after "access" strike all material through "cultures" on line 8

On page 14, beginning on line 17 of the striking amendment, after "rights" strike all material through "cultures" on line 23

Representatives McEntire, McEntire (again), Walsh and Abbarno spoke in favor of the adoption of the amendment to the striking amendment.

Representative Parshley spoke against the adoption of the amendment to the striking amendment.

Amendment (436) to the striking amendment (204) was not adopted.

Representative Couture moved the adoption of amendment (391) to the striking amendment (204):

On page 5, beginning on line 23 of the striking amendment, beginning with "**PART TWO**" strike all material through "act." on page 8, line 17

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

On page 14, line 25 of the striking amendment, after "28A.605.005, and" strike "sections 101, 201, and 202" and insert "section 101"

Representatives Couture, Couture (again) and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Santos spoke against the adoption of the amendment to the striking amendment.

Amendment (391) to the striking amendment (204) was not adopted.

Representative Schmidt moved the adoption of amendment (384) to the striking amendment (204):

On page 14, beginning on line 7 of the striking amendment, beginning with "(4)" strike all material through "action." on line 9 and insert "((~~(4) As used in this section "public school" has the same meaning as in RCW 28A.150.010.~~))"

Representatives Schmidt and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hill spoke against the adoption of the amendment to the striking amendment.

ROLL CALL

The Clerk called the roll on the adoption of amendment (384) to the striking amendment (204) and the amendment was not adopted by the following vote: Yeas, 39; Nays, 54; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Abell, 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, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Voting Nay: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, 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, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Excused: Representatives Dent, Eslick, Fey, Hackney and Rule

Amendment (384) to the striking amendment (204) was not adopted.

Representative Schmidt moved the adoption of amendment (458) to the striking amendment (204):

On page 14, beginning on line 11 of the striking amendment, beginning with **"RETALIATION"** strike all material through **"FIVE"** on page 15, line 12 of the striking amendment

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

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

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (458) to the striking amendment (204) was not adopted.

Representative Engell moved the adoption of amendment (367) to the striking amendment (204):

On page 15, beginning on line 12 of the striking amendment, beginning with **"PART FIVE"** strike all material through "immediately." on line 17

Representatives Engell and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stonier spoke against the adoption of the amendment to the striking amendment.

Amendment (367) to the striking amendment (204) was not adopted.

Representative Connors moved the adoption of amendment (358) to the striking amendment (204):

On page 15, beginning on line 14 of the striking amendment, after **"501."** strike all material through "immediately" on line 17 and insert "The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation"

Representatives Connors, Low, Corry, Orcutt, Keaton and Rude spoke in favor of the adoption of the amendment to the striking amendment.

Representative Pollet spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 37 - YEAS; 51 - NAYS.

Amendment (358) to the striking amendment (204) was not adopted.

The Speaker assumed the chair.

Representative Santos spoke in favor of the adoption of the striking amendment as amended.

Representative Rude spoke against the adoption of the striking amendment as amended.

The striking amendment (204), 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 Macri, Santos, Wylie, Reeves, Ortiz-Self and Stonier spoke in favor of the passage of the bill.

Representatives Walsh, Dufault, Rude, Barnard, Chase, McEntire, Abell, Keaton, Abbarno, Marshall, Ybarra, Barkis and Couture spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1296.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1296, and the bill passed the House by the following vote: Yeas, 56; Nays, 37; Absent, 0; Excused, 5

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, 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, 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, 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 Dent, Eslick, Fey, Hackney and Rule

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 1:00 p.m., Thursday, March 13, 2025, the 60th Day of the 2025 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk