

SIXTY SIXTH LEGISLATURE - REGULAR SESSION**SEVENTEENTH DAY**

House Chamber, Olympia, Wednesday, January 29, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Naval Base Kitsap Color Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Navy Band Northwest Brass Quintet. The prayer was offered by Chaplain Lieutenant Yo Kim, Chaplain, Naval Base Kitsap, accompanied by Navy Band Northwest Quintet, Washington.

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

RESOLUTION

HOUSE RESOLUTION NO. 2020-4652, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, The citizens of Washington State have set aside this day to honor, appreciate, and remember our Navy personnel; and

WHEREAS, The Washington State House of Representatives honors those who have served and are serving our country as members of the United States military; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, Washington State is uniquely positioned, politically, economically, and geographically, to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, Washington State Navy bases support two aircraft carriers, more than five surface ships, thirteen submarines, and one hundred sixty aircraft; and

WHEREAS, Washington State Navy installations provide 78,549 careers and infuses 10.7 billion dollars each year to Washington State's economic stability; and

WHEREAS, Washington State Navy installations are recognized for environmental stewardship successes and continue to actively assist in partnership efforts statewide; and

WHEREAS, The Navy has worked to improve salmon recovery, support southern resident orca recovery, increase orca food supply, conserve energy and water, conduct and invest hundreds of millions of dollars in marine species research, restore and protect critical habitats from development, mitigate ocean acidification, and invest in renewable energy; and

WHEREAS, Washington State naval bases consistently receive awards for the quality of life they provide to service members and family members; and

WHEREAS, Washington State-based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate the contributions of the Navy, its service members, and their families here in Washington state.

Representative Appleton moved the adoption of HOUSE RESOLUTION NO. 4652

Representatives Appleton and Hoff spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4652 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Captain John Fancher, Chief of Staff, Submarine Group 9, Bangor. The Speaker (Representative Lovick presiding) also recognized Navy leadership seated in the House Gallery.

Speaker Jinkins assumed the chair.

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

INTRODUCTION & FIRST READING

HB 2891 by Representatives Sells, Lovick, Gregerson, Lekanoff, Callan, Shewmake, Blake, Maycumber, Chapman, Tarleton, Robinson, Valdez, Hudgins, J. Johnson, Peterson, Dolan and Doglio

AN ACT Relating to establishing the American Indian cultural study grant; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2892 by Representative Fitzgibbon

AN ACT Relating to authorizing the department of ecology to regulate greenhouse gas emissions associated with persons who produce or distribute fossil fuel products that emit greenhouse gases in Washington; and amending RCW 70.94.030 and 70.94.331.

Referred to Committee on Environment & Energy.

HB 2893 by Representative Thai

AN ACT Relating to homeless individuals; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2894 by Representative Blake

AN ACT Relating to the taxation of concrete pumping services; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Finance.

HB 2895 by Representatives Gildon, Chambers, Stokesbary, Irwin, Caldier, Barkis and Young

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 2896 by Representative Ryu

AN ACT Relating to the use of surplus property for public benefit; and amending RCW 43.63A.510 and 39.33.015.

Referred to Committee on Housing, Community Development & Veterans.

HB 2897 by Representative Sullivan

AN ACT Relating to staff funding for school districts; amending RCW 28A.150.260 and 28A.150.415; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2898 by Representative Walen

AN ACT Relating to housing benefit districts; amending RCW 36.70A.600, 84.52.010, and 29A.36.210; and adding a new chapter to Title 36 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2899 by Representative Hudgins

AN ACT Relating to establishing the Washington state civil rights trail program; and adding new sections to chapter 27.34 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2900 by Representative Peterson

AN ACT Relating to marijuana excise tax distributions to local governments; and amending RCW 69.50.540.

Referred to Committee on Appropriations.

HB 2901 by Representative Riccelli

AN ACT Relating to providing health care premium assistance by imposing a tax on claims paid; adding a new section to chapter 48.14 RCW; and adding new sections to chapter 41.05 RCW.

Referred to Committee on Finance.

ESSB 5006 by Senate Committee on Labor & Commerce (originally sponsored by Takko, Fortunato, Palumbo and Mullet)

AN ACT Relating to allowing the sale of wine by microbrewery license holders; amending RCW 66.24.244; and providing an effective date.

Referred to Committee on Commerce & Gaming.

ESB 5282 by Senators Liias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser and Pedersen

AN ACT Relating to informed consent for pelvic exams; reenacting and amending RCW 18.130.180; adding a new section to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

ESB 5457 by Senators Keiser, Saldaña, Conway, Hasegawa, Hunt and Nguyen

AN ACT Relating to the naming of subcontractors by prime contract bidders on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

ESSB 5591 by Senate Committee on Transportation (originally sponsored by Schoesler)

AN ACT Relating to exempting previously registered vehicles from the stolen vehicle check fee; amending RCW 46.17.120; and providing an effective date.

Referred to Committee on Transportation.

2E2SSB 5720 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner and Kuderer)

AN ACT Relating to the involuntary treatment act; amending RCW 71.05.010, 71.05.012, 71.05.025, 71.05.026, 71.05.027, 71.05.030, 71.05.040, 71.05.050, 71.05.100, 71.05.132, 71.05.150, 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.153, 71.05.160, 71.05.170, 71.05.180, 71.05.190, 71.05.195, 71.05.201, 71.05.210, 71.05.210, 71.05.212, 71.05.214, 71.05.215, 71.05.217, 71.05.217, 71.05.230, 71.05.230, 71.05.235, 71.05.235, 71.05.280, 71.05.290, 71.05.300, 71.05.310, 71.05.320, 71.05.320, 71.05.380, 71.05.445, 71.05.455, 71.05.457, 71.05.458, 71.05.525, 71.05.530, 71.05.585, 71.05.720, 71.05.740, 71.05.745, 71.05.750, 71.05.760, 71.34.010, 71.34.020, 71.34.305, 71.34.310, 71.34.355, 71.34.365, 71.34.410, 71.34.420, 71.34.500, 71.34.600, 71.34.600, 71.34.650, 71.34.700, 71.34.700, 71.34.710, 71.34.710, 71.34.710, 71.34.720, 71.34.720, 71.34.720, 71.34.740, 71.34.740, 71.34.740, 71.34.750, 71.34.780, and 71.34.780; reenacting and amending RCW 71.05.020, 71.05.120, 71.05.240, 71.05.240, 71.05.590, 71.05.590, 71.05.590, 71.34.730, 71.34.730, and 71.34.750; adding new sections to chapter 71.05 RCW; adding new sections to chapter 71.34 RCW; recodifying RCW 71.05.525; repealing RCW 71.05.360 and 71.34.370; providing effective dates; and providing expiration dates.

Referred to Committee on Civil Rights & Judiciary.

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

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

REPORTS OF STANDING COMMITTEES

January 27, 2020

HB 1733 Prime Sponsor, Representative Gregerson: Retaining productive farmland. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Dye; Hoff; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020

HB 2136 Prime Sponsor, Representative Orcutt: Concerning the farm internship program. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Appropriations.

January 27, 2020

HB 2189 Prime Sponsor, Representative Leavitt: Including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 27, 2020

HB 2238 Prime Sponsor, Representative Ormsby: Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020

HB 2469 Prime Sponsor, Representative Santos: Concerning small works rosters. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

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

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Slatter, Kloba, Peterson, Tharinger, Jinkins, Macri, Cody, Bergquist, Doglio, Robinson, Pollet, Stanford and Frame)

Reducing the greenhouse gas emissions associated with transportation fuels.

The bill was read the third time.

POINT OF PARLIAMENTARY INQUIRY

Representative Maycumber: "What are the votes required for final passage of this bill?"

SPEAKER'S RULING

Madam Speaker: "Article 2, section 1 of our state constitution requires a 2/3 vote to amend an initiative within two years of enactment.

Initiative 976 was approved by the voters in 2019 and enacted as Chapter 1, Laws of 2020. Section 14 of the bill before us amends RCW 46.17.365, a section of law that was repealed by the initiative.

The question presented is whether this language in the bill amends the initiative.

The answer can be found in the Washington Supreme Court decision in *State v. Sam*, where the court stated that "a repealed act cannot be amended" and that courts uniformly disregard any purported attempt to amend a repealed act.

The Speaker therefore finds and rules that section 14 of E2SHB 1110 has no legal effect, does not amend the initiative, and that a constitutional majority of 50 votes is required for final passage."

Representatives Fitzgibbon, Orwall, Slatter, Ramel, Doglio, Chapman and Lekanoff spoke in favor of the passage of the bill.

Representatives Walsh, Klippert, Orcutt, Schmick, Van Werven, Jenkin, Graham, Dufault, Kraft, Corry, Vick, Smith, Sutherland, Hoff, Ybarra, Chambers, Griffey, Mosbrucker, Dent, Caldier, Goehner, Stokesbary, Volz, Boehnke, Walsh (again), Shea, Barkis and DeBolt spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives MacEwen and Dye were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1110.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1110, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Stonier, Tarleton, Thai, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Springer, Steele, Stokesbary, Sullivan, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Dye and MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake)

Concerning drought preparedness and response.

The bill was read the third time.

Representatives Blake and Dent spoke in favor of the passage of the bill.

Representative Walsh 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. 1622.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 79; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Boehnke, DeBolt, Eslick, Griffey, Irwin, Jenkin, Kraft, Kretz, Maycumber, McCaslin, Orcutt, Shea, Smith, Sutherland, Vick, Walsh and Young.

Excused: Representatives Dye and MacEwen.

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

There being no objection, the House adjourned until 10:00 a.m., January 30, 2020, the 18th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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